MEDIA ETHICS

Veda to Gandhi & Beyond

K. M. SHRIVASTAVA

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By

K.M. Shrivastava

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Preface

I have been looking at media ethics since my early days in journalism in the early 1970s. Many practices of the profession and many situations did bother me from ethical point of view, like any other thinking journalist. My interest grew when I switched to academics.

In March 2002, Kaarle Nordenstreng, who had devoted a lifetime on the subject, invited me to address a conference on media ethics meant for Ph.D. students of Nordic countries at Tampere University in Finland. I had an opportunity to interact with the top scholars in the field. At that conference I realized that despite India's great contribution to philosophy and ethics, in the area of media ethics we stand nowhere. At that conference I did circulate a paper which was a collection of sayings of Mahatma Gandhi on various aspects of media ethics. It was very well received and some well-known scholars, like Michael Kunczik of Germany, started quoting Gandhi from the very next day. That conference inspired me to write this book.

This is perhaps the first Indian book dealing exclusively with media ethics. Attempt is being made here to look at this branch of applied ethics in a more comprehensive manner as the book does not restrict itself to news reporting but also covers public relations and advertising.

Effort has also been made to apply Indian context wherever possible. When Western scholars talk about ethics they begin with Socrates, Plato and Aristotle. Indians can easily go back to the Vedas. Those were the times when mass media did not exist in the present form. In the modern times one can look up to Vivekananda and Gandhi. Even during Gandhi's time media development was limited to print media and radio. However when we look at his thoughts on media ethics we find the maladies that he had mentioned have only worsened with the rapid development of the media and sophistication of media manipulation by advertisers and public relations professionals for the vested interests that employ them.

At Kaarle's conference I said that if we apply normative theory of ethics, advertising and PR were unethical professions. I also pointed out that even the news channels were unethical as in the reporting of September 11, the event and deaths were news, but all else presented as news, was largely the manipulation of the US administration. On this a professor from Spain Porfirio Barroso who had come with his students said, "Listening to you it appears that I have wasted my life in teaching media ethics." My reply was, "No Professor, you have not wasted your life. Because if you do not teach media ethics, the practitioners and people will never know what is unethical and in that situation vested interests would have a field day." At that time I did not have examples of reporting of war in Iraq or Afghanistan.

I hope this book would generate more interest in media ethics and stimulate debates on ethical aspects of media practices. I thank all those who have interacted with me on the subject, face to face and by e-mail. I dedicate this book to the memories of the Late M.V. Desai, former Director, Indian Institute of Mass Communication and Dr Avtar Singh, who had been Professor of Philosophy and Dean, Academic Affairs at Punjabi University, Patiala. Both of them had urged me to work on media ethics.

K.M. Shrivastava

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The Concept of Ethics

If one looks at media ethics in India, one can go back to the Vedas. There were no mass media or Internet then. But there was communication. There was speech. The essence of the Vedas one finds in the Upnishads. And there we find moral pronouncements like *Satyam vada* (Speak the truth), *Satyat na pramaditavyam* (There should be no inadvertence about truth.)[1] There is a related statement in the Mundaka Upnishad, which has been used in India's national emblem *Satyameva jayate* (Truth alone wins).[2]

It is essential to understand the basic concept of ethics and differentiate this from other related terms and concepts. The closest to it is morality. The word moral comes from the Latin word *mos* (plural mores), which means "custom or way of life"[3]. The term ethics is derived from the Greek word *ethos* which means "custom" or "character". Thus the terms morals and ethics are essentially synonymous. However, morals and morality ordinarily refer to the conduct itself while ethics and ethical ordinarily suggest the study of moral conduct or the system or the code that is followed. For example, we usually speak of an ethical system or code and of a moral act or a moral person.

Our morals, like our bodies and our social life, are the product of long periods of development and of adaptation to changing environmental conditions. Customs ordinarily arise out of the needs of human life under specific conditions. Customs represent the long-term experience of people in the past. They save time and energy in that they are ready made programmes of action and adjustment.

The moral system under which moral standards are based on customs, which in turn are accepted without reflection is called customary morality and group morality. This system was especially prevalent among kinship groups. As population increases and the society becomes more complex, it is desirable that the simple customary observances be made more specific. Laws are then formulated. These laws may either crystallize previous customs or may change them to some extent.

Ethics attempts to determine what conduct is good or what is bad or what might be approved and what disapproved. It undertakes to furnish a standard for distinguishing between a better character and a worse one. Ethics is a normative study of the principles underlying the desired types of human conduct. Ethics is concerned with the value of an activity or a thing. It is the science of what is morally right.[4]

Reflective morality means that stage of moral development in which men formulate moral judgments on the basis of a reflective evaluation of principles and the careful examination of facts in their relation of human life. People need to ask at times, not what was done in the past, but what the present demands. The growth of intelligence is an integral part of the development of morality. The moral life and the intelligent life are more or less synonymous.

With the growth of society, regulations expressed themselves outwardly in law and inwardly in conscience. As conflicts arose, people searched for standards of judgment and reflective criticism was born. As they became increasingly liberated from blind custom, they tended to direct their conduct more and more on the basis of a distinct philosophy of life.

Moral standards grow out of life itself and are related to human feelings and intelligence. As intelligence and experience grow and expand, the requirements of personal and social welfare are taken into account more and more. Human behaviour is never the result of environmental factors alone or of human traits alone: it is always the result of the interaction of the individual and his environment.

It is claimed that there is an inner voice or inner law - a sense of obligation - which must be obeyed. The capacity to feel a moral obligation was called conscience. Conscience is in part the voice of the community within us. It is the result of the training and experience we have had during our impressionable years.

The "voice" or "dictates" of conscience consists in the conflict between pull or push of a prescription or a taboo and some contrary impulse. In fact the rule of any code whatsoever is at no time complete or unchallenged. Variations are sometimes allowed, sometimes assert and sometimes operate in secret, but they always exist.

Right is the basis of morality. It is a term of selection. It designates group approval as against group disapproval. Sometimes "right" is same in all institutions. Yet occasionally people are described as morally bound but legally free, morally guiltless but legally responsible, moral victors but actual losers, and vice versa.

Sometimes in the study of ethics the term non-moral arises. This word refers to something outside the sphere of moral concern. For example, whether one manufactures package products in vertical or horizontal container is a non-moral question; it simply is not a moral issue. But whether the shape of the container misrepresents the quantity of its contents could be a moral question.

In ethics we are concerned with questions of right and wrong, duty and obligation and moral responsibility. When moralists use words like good or right to describe a person or action, they generally mean that the person or action has desirable qualities. While moralists often disagree about the nature of these qualities, they all agree that having determined the right thing to do, one must do it and avoid the wrong one.

Thus study of what constitutes good or bad human conduct, including related actions and values is called ethics. Occasionally the term ethics is used interchangeably with morals. Although this usage is acceptable, it is more accurate to restrict the terms moral and morality to conduct itself.

Although morality and ethics are both related to custom, there is a fairly well observed division of significance between them. Social conduct in fact may be described as moral when it is maintained or even observed as a fact. But as conduct rises from fact to ideal it becomes ethical.

Ethics is the organisation or criticism of conduct in terms of notions like good, right or welfare. The "ethical" is the construction or reconstruction of conduct in the light of these rational elements.

Ethics has been understood and practiced in different ways at different times. Some of these differences are the result merely of change in fashion, others result from change in intellectual climate or developments in science or technology, or mark a genuine development in the subject. Ethics as a branch of philosophy is now not simply identical with ethics as a branch of study, in which are studied problems of conduct and character as they relate to either another branch of study or to a practical discipline. Ethics is now coming to be thought of as a branch of many studies or theoretical disciplines, and by some a unitary discipline intersecting the institutions of law, medicines, science, technology and the media.

Ethics, philosophies or psychology of conduct, also define themselves with reference to the situation in which they arise. Since ethics operates with the opposite notions of good and bad, right and wrong, it is in the nature of ethical judgements to condemn the antithesis of what they approve. The terms ethics and ethical refer to the study of moral conduct or to the code one follows. When we use the word moral, we refer to an action or a person insofar as either is considered good or right. When we use the word immoral, we refer to an action or a person insofar as either is considered wrong or bad. Morality then refers to the propriety of an action by which it conforms to a standard or norm of human conduct.

However, the moral opinions of the people are not a test of moral truth: they are, rather, a test of a viable ethical (i.e., metaethical) theory. If we find people holding moral opinions different from what the rules of reasoning generated by theory would justify, this does not in itself refute the theory. But it does raise the question that other factor need not be a rational or even a respectable one. They may simply have got their facts wrong, in which case, we hope, they will alter their opinions when they get them right. Or it may be that they have deeply ingrained prejudices, which are not amenable to reason.

Ethics should make clear to us why one act is better than another since ethics is the study which deals with human conduct insofar as this conduct may be considered right or wrong. Ethics is especially concerned with right ways of doing things in the business of living itself and with the principles underlying the realization of these values in all human relationships.

As ethics is a study of human values, it attempts to stimulate the moral sense, to discover the true values of life and to inspire man to join in the quest of these values. Ethics is the secular and critical manner of taking account of the rationalizing process of conduct. Its temper is non-mystical and its orientation is social rather than theological.

Contemporary opinion tends to confirm William Graham Sumner (1840-1910)[5] in distinguishing folkways and customs as group habits; law as habits found and ordained, but enforced by police power; ethics as a corpus of rules derived by reflection among morals and morals themselves as the sum of taboos and prescriptions in folkways by which right conduct is defined.

The field of ethics, also called moral philosophy, involves systematizing, defending, and recommending concepts of right and wrong behavior. Philosophers today usually divide ethical theories into three general subject areas: metaethics, normative ethics, and applied ethics.

Metaethics investigates where our ethical principles come from, and what they mean. Are they merely social inventions? Do they involve more than expressions of our individual emotions? Metaethical answers to these questions focus on the issues of universal truths, the will of God, the role of reason in ethical judgments, and the meaning of ethical terms themselves. *Normative ethics* takes on a more practical task, which is to arrive at moral standards that regulate right and wrong conduct. This may involve articulating the good habits that we should acquire, the duties that we should follow, or the consequences of our behavior on others. Finally, *applied ethics* involves examining specific controversial issues. By using the conceptual tools of metaethics and normative ethics, discussions in applied ethics try to resolve these controversial issues.

The term "meta" means *after* or *beyond*, and, consequently, the notion of metaethics involves a removed, or a bird's eye view of the entire project of ethics. We may define metaethics as the study of the origin and meaning of ethical concepts. When compared to normative ethics and applied ethics, the field of metaethics is the least precisely defined area of moral philosophy. Three issues, though, are prominent: (1) *metaphysical* issues concerning whether morality exists independently of humans; (2) *psychological* issues concerning what motivates us to be moral; and (3) *linguistic* issues concerning the meaning of key ethical terms.

The psychological basis of our moral actions, particularly understanding what motivates us to be moral: We might explore this subject by asking the simple question, "Why be moral?" Even if one is aware of basic moral standards this does not necessarily mean that one will be psychologically compelled to act on them. Some answers to the question "Why be moral?" are to avoid punishment, to gain praise, to attain happiness, to be dignified, or to fit in with the society.

One important area of moral psychology concerns the inherent selfishness of humans. British philosopher Thomas Hobbes (1588-1679) held[6] that many, if not all, of our actions are prompted by selfish desires. Even if an action seems selfless, such as donating to charity, there are still selfish causes for this, such as experiencing power over other people. This view is called *psychological egoism* and maintains that self-oriented interests ultimately motivate all human actions. Closely related to psychological egoism is a view called *psychological hedonism* which is the view that *pleasure* is the specific driving force behind all of our actions. Another British philosopher Joseph Butler (1692 – 1752) agreed that instinctive selfishness and pleasure prompt much of our conduct. However, Butler argued that we also have an inherent psychological capacity to show benevolence to others. This view is called *psychological altruism* and maintains that at least some of our actions are motivated by instinctive benevolence.

A second area of moral psychology involves a dispute concerning the role of reason in motivating moral actions. On one side of the dispute, Scottish philosopher David Hume (1711-1776) argued that moral assessments involve our emotions, and not our reason. We can amass all the reasons we want, but that alone will not constitute a moral assessment. We need a distinctly emotional reaction in order to make a moral pronouncement. Reason might be of service in giving us the relevant data, but, in Hume's words, "reason is, and ought to be, the slave of the passions." Inspired by Hume's anti-rationalist views, some 20th century philosophers, most notably A.J. Ayer (1910-1989) similarly denied that moral assessments are factual descriptions.

More rationally-minded philosophers have opposed these emotive theories of ethics and instead argued that moral assessments are indeed acts of reason. German philosopher Immanuel Kant (1724-1804) argued that although emotional factors often do influence our conduct, we should nevertheless resist that kind of sway. Instead, true moral action is motivated only by reason when it is free from emotions and desires.

A third area of moral psychology focuses on whether there is a distinctly female approach to ethics that is grounded in the psychological differences between men and women. Discussions of this issue focus on two claims: (1) traditional morality is male-centered, and (2) there is a unique female perspective of the world, which can be shaped into a value theory. Using the woman's experience as a model for moral theory, then, the basis of morality would be spontaneously caring for others as would be appropriate in each unique circumstance. This stands in contrast with male-modelled morality where the agent is a mechanical actor who performs his required duty, but can remain distanced from and unaffected by the situation. A care-based approach to morality, as it is sometimes called, is offered by feminist ethicists as either a replacement for or a supplement to traditional male-modelled moral systems.

Normative ethics involves arriving at moral standards that regulate right and wrong conduct. In a sense, it is a search for an ideal litmus test of proper behavior. The Golden Rule is a classic example of a normative principle: We should do to others what we would want others to do to us.

The Golden Rule is an example of a normative theory that establishes a *single principle* against which we judge all actions. Other normative theories focus on a *set* of foundational principles, or a set of good character traits.

The key assumption in normative ethics is that there is only *one* ultimate criterion of moral conduct, whether it is a single rule or a set of principles. Three strategies will be noted here: (1) virtue[7] theories, (2) duty theories, and (3) consequentialist theories.

Historically, virtue theory is one of the oldest normative traditions in Western philosophy, having its roots in ancient Greek civilization. Plato (427-347 BC) emphasized four virtues in particular, which were later called *cardinal virtues*: wisdom, courage, temperance and justice. Other important virtues are fortitude, generosity, self-respect, good temper, and sincerity. In addition to advocating good habits of character, virtue theorists hold that we should avoid acquiring bad character traits, or *vices*, such as cowardice, insensibility, injustice, and vanity. Virtue theory emphasizes moral education.

Aristotle (384-322 BC) argued that virtues are good habits that we acquire, which regulate our emotions. According to Aristotle, it is not an easy task to find the perfect mean between extreme character traits. In fact, we need assistance from our reason to do this. In the mid 20th century virtue theory received special attention from philosophers who believed that more recent approaches to ethical theories were misguided for focusing too heavily on rules and actions, rather than on virtuous character traits. Alasdair MacIntyre (1929-) defended the central role of virtues in moral theory and argued that virtues are grounded in and emerge from within social traditions.

Duty theories base morality on specific, foundational principles of obligation. These theories are sometimes called *deontological*, from the Greek word *deon*, or duty, in view of the foundational nature of our duty or obligation. They are also sometimes called *nonconsequentialist* since these principles are obligatory, irrespective of the consequences that might follow from our actions.

There are four central duty theories. The first is that championed by German philosopher Samuel Von Pufendorf (1632-1694)[8], who classified dozens of duties under three headings: duties to God, duties to oneself, and duties to others. A second duty-based approach to ethics is *rights theory*. Most generally, a "right" is a justified claim against another person's behavior – such as my right to not be harmed by you. Rights and duties are related in such a way that the rights of one person imply the duties of another person. The most influential early account of rights theory is that of 17th century British philosopher John Locke (1632-1704), who argued that the laws of nature mandate that we should not harm anyone's life, health, liberty or possessions. For Locke, these are our natural rights, given to us by God. Following Locke, the United States Declaration of Independence authored by Thomas Jefferson (1743- 1826) recognizes three foundational rights: life, liberty, and the pursuit of happiness. Jefferson and others rights theorists maintained that we deduce other more specific rights from these, including the rights of property, movement, speech, and religious expression. There are four features traditionally associated with moral rights. First, rights are *natural* insofar as they are not invented or created by governments. Second, they are *universal* insofar as they do not change from country to country. Third, they are *equal* in the sense that rights are the same for all people, irrespective of gender, race, or handicap. Fourth, they are *inalienable.*

A third duty-based theory is that by Kant, which emphasizes a single principle of duty. Kant argued that there is a more foundational principle of duty that encompasses our particular duties. It is a single, self-evident principle of reason that he calls the "categorical imperative." A categorical imperative, he argued, is fundamentally different from hypothetical imperatives that hinge on some personal desire, a categorical imperative simply mandates an action, irrespective of one's personal desires. The categorical imperative also regulates the morality of actions that affect us individually. A fourth and more recent duty-based theory is that by British philosopher William David Ross (1877-1940), which emphasizes *prima facie* duties. Like his 17th and 18th century counterparts, Ross argues that our duties are "part of the fundamental nature of the universe." Ross recognizes that situations will arise when we must choose between two conflicting duties

According to consequentialist normative theories, correct moral conduct is determined *solely* by a cost-benefit analysis of an action's consequences.

Consequentialist normative principles require that we first tally both the good and bad consequences of an action. Second, we then determine whether the total good consequences outweigh the total bad consequences. If the good consequences are greater, then the action is morally proper. If the bad consequences are greater, then the action is morally improper. Consequentialist theories are sometimes called *teleological* theories, from the Greek word *telos*, or end, since the end result of the action is the sole determining factor of its morality

Three subdivisions of consequentialism emerge:

Ethical Egoism: an action is morally right if the consequences of that action are more favorable than unfavorable *only to the agent* performing the action.

Ethical Altruism: an action is morally right if the consequences of that action are more favorable than unfavorable *to everyone except the agent.*

Utilitarianism: an action is morally right if the consequences of that action are more favorable than unfavorable *to everyone.*

All three of these theories focus on the consequences of actions for different groups of people. But, like all normative theories, the above three theories are rivals of each other. They also yield different conclusions

Jeremy Bentham (1748-1832) presented one of the earliest fully developed systems of utilitarianism. Two features of his theory are noteworthy. First, Bentham proposed that we tally the consequences of each action we perform and thereby determine on a case by case basis whether an action is morally right or wrong. This aspect of Bentham's theory is known as *act-utilitarianism.* Second, Bentham also proposed that we tally the pleasure and pain which results from our actions. For Bentham, pleasure and pain are the only consequences that matter in determining whether our conduct is moral. This aspect of Bentham's theory is known as *hedonistic utilitarianism.*

A revised version of utilitarianism called *rule-utilitarianism* addresses these problems more effectively. According to rule-utilitarianism, a behavioral code or rule is morally right if the consequences of adopting that rule are more favorable than unfavorable to everyone. John Stuart Mill (1806-1873) preached rule-oriented utilitarianism.

G. E. Moore (1873-1958) proposed *ideal utilitarianism*, which involves tallying any consequence that we intuitively recognize as good or bad (and not simply as pleasurable or painful). Also, R.M. Hare (1919-2002) proposed *preference utilitarianism*, which involves tallying any consequence that fulfills our preferences.

Thomas Hobbes was an advocate of the metaethical theory of psychological egoism – the view that all of our actions are selfishly motivated. On that foundation, Hobbes developed a normative theory known as social contract theory, which is a type of rule-ethical-egoism. According to Hobbes, for purely selfish reasons, the agent is better off living in a world with moral rules than one without moral rules. Without moral rules, we are subject to the whims of other people's selfish interests.

Applied ethics is the branch of ethics, which consists of the analysis of specific, controversial moral issues. Generally speaking, two features are necessary for an issue to be considered an "applied ethical issue." First, the issue needs to be controversial in the sense that there are significant groups of people both for and against the issue at hand. The second requirement for in issue to be an applied ethical issue is that it must be a distinctly moral issue. Moral issues concern more universally obligatory practices, such as our duty to avoid lying, and are not confined to individual societies to qualify as an applied ethical issue, the issue must be more than one of mere social policy: it must be morally relevant as well.

There has been a great revival of applied or practical ethics. It is where media ethics can be located. One possible approach in applied ethics would be to curtail highly abstract philosophical theorizing and attend more closely to the lower level generalization of popular debate, building theory from the bottom up, rather than from the top down and hence temporarily ignoring or at least tolerating apparent inconsistencies in principles or rules.[9]

Applied ethics consists of three steps with the following logical sequence:

1. Universal principles are formulated and theoretically grounded.
2. A particular social or institutional context, consisting of

institutional structures embedding the motivations and intentions of individual agents, is empirically described.

3. Moral principles are applied to alternative courses of action possible within that context.

The immediate object of professional service is the welfare of the client. The major problem of professional ethics arises when this objective fails of attainment or when it is incompatible with the public interest. Professional ethics may be distinguished from law not only with reference to different sanctions employed but also by the fact that the legal sanctions are applied to all people within the specified territory while in professional ethics, the incidence is on the members of particular functional groups. Professional ethics is to be distinguished from general morality which is relatively more personal and individualistic and is emotionally more highly coloured.

The ethical rules and regulations of the professions are likely to suffer from over-formalization and lack a sense of relative values. But they are effective agencies, not only for intensively developing certain essential social services at the same time as they assert certain functional prerogatives, specially in the spirit of *noblesse oblige*, but also for protecting individual members of a profession from the social infirmities of amateurism and democracy. The general ethical theory in largely concerned with the relation of the individual to the world. Professional ethics has introduced two factors, which have traditionally been too little emphasized: the fiduciary relationship of the professional man to his client and the relations of the groups as groups to each other and the society.

Issues in Applied Ethics

There are many controversial issues discussed by ethicists today, some of which will be briefly mentioned here. Biomedical ethics focuses on a range of issues that arise in clinical settings. Health care workers are in an unusual position of continually dealing with life-and-death situations. It is not surprising, then, medical ethics issues are more extreme and diverse than other areas of applied ethics. Prenatal issues arise about the morality of surrogate mothering, genetic manipulation of fetuses, the status of unused frozen embryos, and abortion. Other issues arise about patient rights and physician's responsibilities, such as the confidentiality of the patient's records and the physician's responsibility to tell the truth to dying patients. The AIDS crisis has raised the specific issues of the mandatory screening of all patients for AIDS, and whether physicians can refuse to treat AIDS patients. Additional issues concern medical experimentation on humans, the morality of involuntary commitment, and the rights of the mentally retarded. Finally, end of life issues about the morality of suicide, the justifiability of suicide intervention, physician assisted suicide, and euthanasia.

The field of business ethics examines moral controversies relating to the social responsibilities of capitalist business practices, the moral status of corporate entities, deceptive advertising, insider trading, basic employee rights, job discrimination, affirmative action, drug testing, and whistle blowing. Issues in environmental ethics often overlaps with business and medical issues. These include the rights of animals, the morality of animal experimentation, preserving endangered species, pollution control, management of environmental resources, whether ecosystems are entitled to direct moral consideration, and our obligation to future generations. Controversial issues of sexual morality include monogamy vs polygamy, sexual relations without love, homosexual relations, and extramarital affairs. Finally, there are issues of social morality, which examine capital punishment, nuclear war, gun control, recreational use of drugs, welfare rights, and racism.

Applied ethics is directed in principle to making actual choices in moral conflicts without being separate from normative ethics in general. It intends to supplement the abstract structures of normative ethics by systematic attention to concrete moral decision making. It aims to draw on ethical theory in reaching or scrutinizing moral judgments. Professional ethics refers to ethical inquiry about professional conduct and as a part of applied ethics, is considered normative also. However, in the media ethics area the overall result has been non-philosophical descriptive ethics. While the social scientific enterprise is important in itself, it has not provided a normative framework for media's professional ethos.

Descriptive ethics seek to account for actual moral practices, beliefs and traditions of particular persons or groups. It avoids moral judgements concerning the behaviour and belief system studies. This approach belongs to social sciences. While appealing to applied ethics as a branch of normative ethics, the results are generally the non-philosophic descriptive ethics of social sciences.

The category of descriptive ethics is the easiest to understand– it simply involves describing how people behave and/or what sorts of moral standards they claim to follow. Descriptive ethics incorporate research from the fields of anthropology, psychology, sociology and history as part of the process of understanding what people do or have believed about moral norms.

Anthropologists and sociologists can provide us with all sorts of information about how societies past and present have structured moral standards and how they have expected people to behave. Psychologists can study how a person's conscience develops and how that person goes about actually making moral choices in real or hypothetical situations. Descriptive ethics also studies the codes of conduct created by professional organizations to regulate the conduct of members.

Descriptive ethics is sometimes referred to as comparative ethics. Because so much activity can involve comparing ethical systems: comparing the ethics of the past to the present, comparing the ethics of one society to another and comparing the ethics which people claim to follow with the actual rules of conduct which do describe their actions. Strictly speaking, then, descriptive ethics is not entirely a field within philosophy - rather, it is more a specialty which involves many different fields within the social sciences. It is not designed to provide guidance to people in making moral decisions, nor is it designed to evaluate the reasonableness of moral norms. Nevertheless, actual work in moral philosophy cannot proceed very far without the knowledge gained from descriptive ethics. In short, descriptive ethics asks these two questions:

1. What do people claim as their moral norms?
2. How do people actually behave when it comes to moral problems?

Recent trends indicate that the moral philosophy is becoming more intertwined with political, social and legal philosophy, as it was in the period of utilitarian ascendancy in the nineteenth century. The notion of rights is now at the centre of ethics. Rights entered in only through the question of relation between rights and duties. That duties are more fundamental than rights is still no doubt the standard view among moral philosophers, but rights are now at the forefront of discussion. A related development is an upsurge of the interest in autonomy and the appearance of works attempting in varying ways to base all of the ethics and politics on some conception of autonomy. Kant introduced the notion of autonomy into ethics. The word autonomy had its origin home in English political context where it means autonomy of states and not of citizens. In Kant's usage, autonomy is of will, the rational will. There is a growing awareness in the various sciences of ethical problems connected with scientific research. The theory of justice and theory of morality are regarded by some as parts of the theory of rational choice.

Religious dogmas are not the only issues in this age when the cult of money, the religion of profit and of ego etc, constitute so many manifestations of the fact that material values are regarded as sacred and have come to replace traditional spiritual values. The development of mass media as institutions linked with the policy of state has brought about further increase of relativity of interpretation possibilities.

The growth of the media of mass communication is having a profound effect on manners and morals. These instruments have been used by powerful groups to serve their special interests or to influence the attitudes and thinking of masses of people. A few generations ago, the home, the religion and the school were the main institutions in establishing and reinforcing moral standards and social patterns. To some extent this is still true. For many persons, however, motion pictures, radio, television, newspapers and Internet are largely taking over these functions. This increases significance of media ethics.

Johannes Gutenberg (1397-1468) invented *movable type* in 1450s in Germany and the self-righting principle was set forth in unmistakable language in this oft-quoted passage from the *Areopagitica* of John Milton (1644):

And though all the winds of doctrine were let loose to play

> *upon the earth, so truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple: who ever knew truth put to the worse in a free and open encounter...*
> *For who knows not that truth is strong, next to the Almighty? She needs no policies, nor stratagems, nor licensing to make her victorious: those are the shifts and defences that error uses against her power. Give her but room and do not bind her when she sleeps.*

It is from this passage that the concept of "free marketplace of ideas" originates, although it was not until 1919 that this particular combination of words appeared, under the pen of Justice Oliver Wendell Holmes of the United States Supreme Court. But the idea that "truth" would triumph over "falsehood" in a free and open encounter is an idea that thrilled the great experimenters who followed Milton in the eighteenth century and who drafted the American Bill of Rights and Constitution.[10]

Three decades (1890s, 1920s 1980s) and their overflow have been decisive in the formation of communication ethics as an academic enterprise. Ethical rationalism has served as the prevailing paradigm. Since the 1890s, communication ethics has presumed that rationality marks all legitimate claims about moral obligations. However, the first time a press critic used the word ethics was in July 1889.[11] By 1910 when Abraham Flexner wrote Carnegie Reports on professional training of journalists, journalism education has adopted a functional model for itself compatible with utility theory.

Ethical questions acquired great importance for liberals, considering the freedom of press to be the main way used to arrive at the truth In 19th century discussions on journalist ethics in French parliament led to definition of such terms as calumny, libel, slander. They tried to analyze the work of journalists in order to prevent with the help of law potential breaches of press freedom without breaking the freedom itself. Freedom of the press in the liberal conception - was the freedom of expressing the truth. The 19th century France also showed closer connection of the moral criteria of a journalist with politics. What was the truth and virtue under one government may many a time happen to be the cause of disgrace and punishment later on. The 18th century thinker Thiebault (1732-1800) recommended, first of all, elevation of cultural level and criticism of the readers as the best form of counteraction against the destructive effects of falsehood and not only their neutralization by means of lawful measures.

The problem of ethics had acquired quite other importance together with the appearance of the so called "penny papers" which heralded the beginnings of mass sensational press, for which the advertisement and not the sales of circulation were the real basis of existence. Besides this new press, information agencies began to be established and information really became international. The American-Spanish conflict about Cuba, at the end of the century preceded by violent anti-Spanish propaganda campaign of Hearst papers was the first example of the new force on the international arena. It was not much different from what preceded recent wars in Yugoslavia, Afghanistan and Iraq in many media outlets whose reach is far wider.

Sensationalism has been a staple of the entire 19th century, but it took institutional form in the late 1890s from Hearst and Pulitzer circulation battles. In Britain too sensationalist manipulation of popular sentiment helped commercialization of the press resulting in decline of politically committed press.

Invasion of privacy also entered ethics agenda as a spin off from Warren and Brandeis' "The Right to Privacy" in the *Harvard Law Review* (December 1890). Freebies and junkets attacked by media critics since the 1870s became more significant in the context of big-business competition.

Telling the truth as a moral principle was abstracted from the practice of accurately reporting facts. As the canon of ethical issues was being established, they were articulated in terms of commonsense utilitarianism.[12]

Truth in more general sense is accomplished as a living perfection of intelligence, which through a process of interpretation, analysis and confrontation opens up to grasp a reality that is in itself complex, and often changing when dealing with social reality. Paradoxically, authentic subjectivity of the kind that will not stop short of its demands already contains certain kind of objectivity. It is a form of truth that appears in the intimacy of the mind and tends to assert itself as a consciousness in harmony with the reality of feelings and their correspondence with the situation as perceived by intelligence. Truth in this sense is not impossible. But it is extremely difficult. There is no ready truth. It can only be achieved through the effort of verification. With each link in the long chain of communication, a news item is threatened with being distorted. The very system of communication and information leads to concealing the mechanisms and ways through which it functions. But in any event, by professing that the truth is the primordial value of information, we cannot turn it into a safe and comfortable oasis. It will always continue towering like a mountain that is hard and elating to climb. The scientist, the historian and the journalist learn it the hard way.

Until the thirties of the 19th century, the notion of truth in the press was connected with the individual activity of the paper's owner. He was the main subject of the preventive and repressive measures. The owner personified the paper and the question of responsibility was clear. Current information did not yet become core content in the press then. It vanished in the periodicals under the burden of learned articles, literature and moralizing. The cases of transgression of the truth consisted mainly in conscious or unconscious deformation of single events and not in their tendentious selection and long-lasting campaigns of lies although they also occurred sometimes. With the small circulation and elite readership the range of moral loss brought about in the epoch of pre-capitalist press could not be compared with excesses of mass newspapers.

When journalism education entered the academy, moral philosophy was in decline. The initial work in journalism ethics took place outside the domain of moral philosophy. Both institutionally and intellectually philosophical ethics had accepted exile as dominant work of the universities was in professions and in the natural and social sciences.

In the US four books on journalism ethics appeared: Nelson Crawford's *Ethics of Journalism* (1924), Leon Flint's *The Conscience of the Newspaper: A Case Book in the Principles and Problems of Journalism* (1925), William Gibbons's *Newspaper*

Ethics: A Discussion of Good Practice for Journalists (1926) and Albert Henning's Ethics and Practices of Journalism (1932). These books dealt with topics like reporters and sources, free press, fair trial, deception, fairness, accuracy, sensationalism and protection of privacy. This arousal of ethical inquiry followed a period of intense media criticism. Muckrakers like Lincoln Steffens (1866- 1936). Ida Tarbell (1857-1944) Henry Demarest Lloyd (1847-1903) Nellie Bly[13] (1867-1922) Jacob Riis (1849-1914.) Benjamin Franklin Norris (1870-1902) David Graham Phillips (1867-1911) Charles Edward Russell (1860-1941) Ray Stannard Baker (1870-1946) and Upton Sinclair (1878- 1968) exposed corruption. The experience of propaganda in World War I (1914-1918) and the rise of motion pictures also produced a feeling of cultural peril among reformers and opinion leaders. In this environment these four books discussed the ethical issues and Gibbons in particular evolved the basics of social responsibility theory which became the main outcome of Hutchins Commission after another World War-II (1939-1945) in which more than 52 million people died.

Stretched across the fact-value dichotomy of scientific naturalism journalist morality became equivalent to unbiased reporting of neutral data. Presenting unvarnished facts was heralded as the standard of good performance. Objective reporting was not only a technique but a moral imperative also. C.P.Scott (1846-1932) came with his famous declaration in *Manchester Guardian* (6 May 1921): “Comment is free, but facts are sacred”, which became a moral principle.

At the end of World War II anxiety over the freedom of the press came the Hutchins Commission, bank rolled by Henry Luce of *Time* magazine. Its report *Freedom of Press: A Framework of Principle* did stimulate emphasis on professionalism (quality work and integrity), codes of ethics and media councils, better training and media criticism. The foundation of ethics was oriented to duty rather than rights. Social responsibility theory of Hutchins Commission has generally allowed utilitarianism to dominate its paradigm in the same way as utility had commandeered liberalism as a whole. It. however, did not establish a distinctive normative base for the media in a democratic society.

Many ethical issues are being identified through debates over public policy. In 1980, UNESCO published MacBride Commission Report in book form as *Many Voices, One World. Towards a New, More Just and More Efficient World Information and Communication Order.* It was another milestone that became a marker for the rapid globalization of media technologies and raised issues of imbalance, diversity and human rights in media context. Cold War considerations led to heated debates and walkout of the US and the UK from UNESCO. However, the absence of France from the recent Iraq conflict has more than demonstrated the validity of the NWICO concerns through coverage of AFP and TV5 when compared with AP, CNN and even BBC.

The transformation of the press did not change the very essence of ethics but increased the problems connected with it. Faithful conveying of the truth remained an ideal but this aim began to move away both metaphorically and literally. The norms of international law had never kept the pace with mass media development and did not make a real obstacle for the abuses and the governments themselves were often responsible for these deformations. However, the selection of the fact and its description are most important for the truthfulness and objectivity. They determine the basic shape of information qualified by the abilities and the honesty of the journalist. An obvious attempt of deformation of the real meaning of a fact is the breach of professional ethics. Relativity of such notions as importance and meaning make this question extremely delicate for the person of contradictory political views the same fact can be of basically different importance.

Quantitative manipulations consist of overwhelming the important news with news of secondary importance or delayed and brief information about the event-suggesting that in the country sending the news, little attention is drawn to it. Manipulating the account with the help of commentary is often justified by the need of explaining the sense, significance and meaning of the facts allegedly incomprehensible for unprepared receivers. Although this argument is sometimes valid, in many cases it is used only as a camouflage of manipulation.

The Berlin Declaration on Communication in Changing Europe (March 1993) called on media to promote a multi-lingual, multicultural Europe. In 1997 through its amendment to Television Without Frontiers Directive[14], European Union warned the media about incitement to hatred. In this crucial period when a global information order is evolving, applied and practical ethics dominate the academy. Mass Communication ethics in terms of issues, participation and setting has passed the international threshold given the global character of media industries. The challenge theoretically and methodologically is to replace the Eurocentric axis of communication ethics with a model of comparative ethics instead.

Discourse ethics of Jurgen Habermas[15] dominates media ethics literature of the 1990s. Habermas replaces Kant's formal system – his universality criterion of non-contradiction-with a communication community representing their common interest. He develops a procedural model of moral argumentation, "justification is tied to reasoned agreement among those subject to norms in question". Habermas understands language to be an agent of culture and social organization. Discourses are symbolic forms through which we think, argue, persuade, display convictions and establish our identities. Narrative contains in a nutshell the meaning of our theories and beliefs. Therefore, the overriding question is whether our myriad linguistic forms allow everyone's interest a representative hearing. Competing normative claims can be fairly adjudicated in the public sphere under ideal speech conditions such as reciprocity and openness.

Habermas makes a permanent contribution to the Frankfurt School by recognizing that distributive fallacy can be overcome through universal pragmatics. Habermas's critical theory contradicts the liberal democratic politics presumed by traditional approaches to communication ethics. For Habermas, moral consciousness must be nurtured under conditions of instrumental technocracy and institutional power that stifle autonomous action. The challenges to Habermas revolve around three axes: gender, ethnicity and enlightenment rationalism.

Social and feminist ethics have made a radical break with individual autonomy and rationalist presumption of utilitarian rationalism and are fundamentally restructuring ethical theory. Agnes Heller contributes to social ethics an extraordinary understanding of resistance and emancipation. Her dialogic ethics reconceptualizes the theory-practice relationship and brings communitarian social philosophy into maturity. Feminist communitarian ethics is a normative theory that serves as antidote to realist utilitarianism. It presumes that community is ontologically and axiologically prior to persons. In communication perspective, our selfhood is not fashioned out of thin air. We are born into a sociocultural universe where values, moral commitments, and existential meaning are negotiated dialogically. Social systems precede their occupants and endure after them. Therefore, morally appropriate action intends community. Fulfillment is never achieved in isolation but only through human bonding at the epicenter of social formation. Instead of transmission of plentiful data, news is an agent of community formation. In this fundamental reorientation of the mission of the press, the goal of reporting becomes civic transformation.[16]

John C. Merrill has postulated a new theoretical framework[17] for a discussion of mass media ethics. It is basically categorization of ethical theories for application at professional and personal levels. Various theories from Aristotle to Habermas look at ethics as being applicable to everybody, at all times, and in any situation. And, others, more flexible and adaptive (less principled?) consider ethics as pertinent only in certain situations or contexts and is not universalizable. The former might be called (1) *monolithic ethics* and the latter, (2) *pluralistic ethics.* The first is, of course, more legalistic and universal in a Kantian sense. The second one is more diversified and relativistic in a kind of Millian[18] sense.

The two categories of theories just named apply mainly to the professional (or institutional) area of mass media ethics and say something about their diversity. One might say, generally, that media system or journalism (as an institution) is basically monolithic or it is pluralistic— meaning that, in the first case, a single ethics governs the entire profession or media system, or, in the second case, various kinds of ethical views exist alongside one another.

The other two categories are (3) the *egocentric* and the (4) *altruistic* theories. These have to do with purpose or end (*telos*) of ethical action, not with the diversity of ethical views. Whether we are talking about professional ethics or private ethics, According to Merrill, we must consider our fundamental objectives. Egocentric ethics turns the ethical agent's interest inward, emphasizing a personal or institutional motivation. In short: what will help me or my medium accomplish predetermined objective. On the other hand, altruistic forms of ethics emphasize public benefits of the ethical act, considering the interest of others rather then self-interest.

The very nature of monolithic theory stems from a basic concept of authoritarianism, the idea being that there should be one, dominating system of ethics found in a media system—or, perhaps in the entire world. Historical empiricism reveals that such a standard ethics has not existed where there is freedom of the press. The natural tendency in a free society is for various persons and factions to have differing (albeit often similar) ethical values. This militates against a monolithic ethics. Some authority – e.g., the State, a religion (Theocracy), a royal family, a military leader—is needed to set common ethical norms for the entire press. It is true that a professional media system might well set monolithic or universal standards, obviating the need for an outside authority. But, of course, this ethics of the "profession" would still be monolithic—stemming from a Habermasian "ideal speech situation" consensus or from some other type of communitarian determination.

A monolithic media ethics would, if possible to achieve, be generally satisfying and, what is more important, it would be specific and non-ambiguous. Media people would know, not argue about, whether their actions were ethical or unethical. This, of course, is one of the advantages of Immanuel Kant's legalistic or "duty" ethics. There is a priori ethical leadership or direction. Kant put his faith in reasonable people using his Categorical Imperative to come to a consensus ethics. It seems, however, that Kant overestimated the reasonableness of people. This might also be said of Habermas' "ideal speech situation" (faith in informed democracy) leading to a consensus ethics. A more authoritarian perspective might be more realistic (promoted by the many recent anti-liberal or anti-Enlightenment thinkers), in order to achieve this general ethical agreement.

One extreme group would like to see codification ethics go beyond national boundaries and apply to the whole world.[19] Proponents of an international or global code of ethics are serious, insistent and persistent, albeit unrealistic. These people believe that common set of ethical principles exist for journalists everywhere. They envision a code that would apply internationally. A monolithic press code for the world is, indeed, a fine-sounding objective. But such a code would have to be a masterpiece of generalization and abstract language; e.g., a journalist should be truthful, kind, and true. It would probably have something about defending democracy and championing human rights. The fact is, however, that there is not a universal belief that "democracy" is necessarily a good thing, and might even lower the moral level of a country or the world. Such skepticism about the value of democracy, of course, is seen by pro-democrats as another instance of the "Platonic Fallacy" and a defence of elitism. The debate will continue largely because there is a great appeal to having a common ethics, one that is recognized by all media people as valid.

Opposing this monolithic concept described briefly above are the ethical pluralists. They see ethics as embracing various theories of right and wrong, all coexisting within a media system or within the world at large. These pluralists have their genesis chiefly in the European Enlightenment. Pluralists in ethics disdain absolutism and universalism and consider differing views of ethics as a good thing. They are basically libertarians, contextualists, and relativists. They relish the coexistence, ever the competition of ethical theories and norms.

This position is, admittedly, in the mainstream of ethical theories in the free world today. The greater the press freedom a country has, the more pluralistic its ethical system becomes. This does not mean that its press is more ethical than a country's embracing monolithic ethics. It simply means that its ethics is a mixed bag, harder to explain, and harder to codify. One newspaper, for instance, may criticize the head of the state and another may not -both considering themselves as acting ethically. One magazine may accept advertisement for, let's say abortion clinics, and another may not. One newspaper may print the names of rape victims; another may not. There are no sacred common norms and it is considered a good thing. Even telling "the truth" is not seen as necessarily ethical. Many would see hiding the truth in certain circumstances as more ethical than revealing it. So, there are deontologists (following predetermined norms), teleologists (thinking of consequences of their acts), and other varieties of ethicists and antinomian pragmatists operating simultaneously in a pluralist society.

Pluralistic ethics consistent with the Enlightenment philosophy is libertinism. Like the Enlightenment philosophy generally, it is also losing much of its former status and ethicists see a crumbling of responsible journalism and a need for more definite norms. The relativism of earlier days are beginning to fade as codes of ethics, ethics coaches, critical reviews, press councils, ombudspersons and other controlling mechanisms come into being. Another important indication the waning of journalistic pluralism in ethics is the rise of the idea of professionalization. As journalists become part of a profession, media work will lose much of its variety (in values and content) as an elitist conformity insists on shared values, education, and loyalties.

Egocentric ethics is compatible with the pluralistic ethics. It is centered on the ethical agent- on the "I" and not the "other". This ethical theory is fundamentally and individualist one and contends that, by and large, that what is good for the person of basic character is good for all. Personal character development is more important than specific ethical norms. Egocentric ethics is a "self-directed" ethics, forsaking the temptation to follow the common or majoritarian ethics.

Egocentric theory largely discounts the consequences of an action. It is an *ethical* action if the *motive* or what Max Weber (1864-1920) has called "conviction," is pure and worthy. It is not what happens in an act that counts; rather it is what is the motivation from which the act stems. Personal determination of "duty-to-principle" (in Kantian terms) is the definer of ethical behaviors. The benefit of good done to somebody *in a particular case* is not what is really important; rather ethical credit is due to the person who *out of his or her perfected character does what is believed the best thing to do.*

Machiavelli[20] formulated the term "private ethics" to describe egocentrism. He saw that people act differently in private, personal situations (as individuals) than they did in groups, crowds, masses. They tend to shun conventional ethics as they lose their anonymity in a group of an organization. In the organization they conform, they follow, they throw out their private ethics and substitute what Machiavelli called "public ethics". In their private lives they would not, for example, kill others, but as part of *an army* they seem to have no hesitation to kill. As a *journalist,* the person might well invade another's privacy or even purloin a letter, but as a *private person* he would not consider these activities proper.

The journalists of the egocentric mindset is no conformist (unless he or she slips into a "public ethics" stance) and is more than likely to subscribe to self-formed rules of conduct. He or she believes that considering consequences is self-delusion in ethics and results in a sense of guild if the action turns out to be socially destructive in some way. So this journalist acts from *principle,* doing what he or she thinks is right (out of progressive character-formation) and, for no other reason.

Altruistic theory of media ethics is far more popular and widespread. It is generally associated with humanism or religion and imposes a sense of public service and concern on the ethical agent. Thinks of others first; give little attention to self; help the poor and the underclasses of society;

It is the theory that Max Weber has termed "the ethics of responsibility." The journalist feels responsible for the consequences of his or her action. The mission: bring about socially helpful consequences. This is a "help-others" theory, obligating the journalist to public betterment. Like the other theories discussed here, altruism is not a "pure" theory. It is an ethical emphasis that the media person (or his or her group) has. While the egoist stresses self-interest and self-development, the altruist stresses interests of other and social development. While the egoist stresses competition and inequality, the altruist stresses cooperation and equality.

The altruist in media ethics is reacting against selfishness and a kind of Machiavellian idea that the ends justify any means. The egoist might respond that *all* ethical theories are selfish, that even the altruist gets joy or self-gratification from "doing good works". At any rate, as was said earlier, its is the *emphasis* that basically determines the theory.

Altruistic ethics emphasizes social pragmatism. Its objectives is to change society for the better. It, unlike the egocentric ethic, aims at looking outward and not inward. Do good for other, is postulates, and the ethical character will be changed. The egoist, on the other hand, would put character-formation first and if social involvement and benefit happen to result, then good. If not, *se la vie.* It is quite likely that every person who thinks about ethics in a serious way can be described generally as one of these four. Or to quote John Merrill, "Each journalist, I think, can be placed in these four categories— with considerable overlap, of course."

However, for Clifford G. Christians, "The primal sacredness of life is a protonorm that binds humans into a common oneness. And in our systematic reflection on this primordial generality, we recognize that it entails such basic ethical principles as human dignity, truth and non-violence."[21]

To end this discussion one should look at Mohandas Karamchand Gandhi (1869-1948), whom his contemporary Henry Noel Brailsford[22] (1873-1958), socialist writer and political journalist described as, "This ascetic, whom Indians have trusted and revered because of purity of his life, is at the same time a shrewd tactician and organiser. Gandhi will rank in history as a remarkable teacher of morals."

And Gandhi wrote in his autobiography, "In the very first month of *Indian Opinion*, I realized that the sole aim of journalism should be service."[23] This is the essence of ethics for media.

Notes and References

[1] Both the phrases are from Taittiriya Upnishad (I-xi-1) as presented in Eight Upnishads Vol I translated by Swami Gambhiranand and published by Advaita Ashram, Calcutta , 1957 pp. 283-284

[2] Satyameva jayate na anrtam is from Mundaka Upnishad (III-i-6) as presented in Eight Upnishads Vol. II translated by Swami Gambhiranand and published by Advaita Ashram, Calcutta , 1957 pp 146

[3] The Latin word "mos" has a twofold meaning, sometimes it means custom and sometimes it means a natural or quasi-natural inclination to do some particular action.

[4] Titus, Harold, H. *Ethics for Today*, American Book Company, New York 1957 pp. 8-9

[5] Sumner, W.G. and Keller A, (1927)*The Science of Society* , New Heaven, Yale University Press Vol. 1 p 116-117

[6] In 1651, Hobbes wrote his most famous work, entitled *Leviathan.*

[7] 'Virtue' is the English word that is derived from Latin, *virtus*, a word that may be rendered most literally as, "manliness". *Virtus* was used by the Romans in their translations of Greek texts in place of the Greek word, Arete, to which the English "excellence" offers itself as the most faithful counterpart.

[8] Pufendorf, son of a Lutheran clergyman, was educated in theology and mathematics, and later turned to the study of moral and political theory. He was especially influenced by Grotius (who he credits with being the originator of the theory of natural law) and Hobbes (http://www.utm.edu/research/iep/p/pufendor.htm).

[9] DeMarco, Joseph P. and Ricard M. Fox [editors] (1986) *New Directions in Ethics*, Routledge & Kegan Paul, New York.

[10] Altschull, J.H. (1984) Agents of Power The Role of News Media in Human Affairs, Longman, New York, p.11

[11] Lilly, W.S. (1889) 'The Ethics of Journalism' in *The Forum* 4 (1889) July pp 503-512

[12] Christians, Clifford G (2000) An Intellectual History of Media Ethics in *Media Ethics Opening Social Dialogue* edited by Bart Pattyn, Peeters, Leuven (Belgium) p 15

[13] Real name Elizabeth Cochrane.

[14] Adopted in 1989 and amended in 1997, this directive provides for a minimum set of common rules concerning advertising, protection of minors, events of major importance to the public (particularly sports), right of reply and promotion of European works. Member States shall ensure broadcasters under their jurisdiction respect those rules and must refrain from any restriction on reception of broadcasts coming from other member states.

[15] Jurgen Habermas (1929-) is a second-generation member of the Frankfurt School of critical theory, Habermas was a student of Max Horkheimer and Theodor Adorno. In his wide-ranging and varied works, he had broken with the anti-rationalist, anti-Westernist stance of the previous generation of Frankfurt theorists and taken a different route in his critical appraisal of Western institutions and rationality. Habermas stresses the humanist side of Marx's work as a critic, and has written on the Hegelian tensions between theory and practice in philosophy. Habermas is particularly notable for his defense of a Kantian conception of rationality, which have been assailed by other "postmodern" thinkers.

[16] Christians, Clifford G (2000) An Intellectual History of Media Ethics in *Media Ethics Opening Social Dialogue* edited by Bart Pattyn, Peeters, Leuven (Belgium)

[17] Merrill, John (2003) Four Theories of Media Ethics: The Professional and Personal Levels *Media Mind III Occasional Papers* Indian Institute of Mass Communication, Dhenkanal (Orissa) India

[18] John Stuart Mill (1806-1873) His first great intellectual work was his *System of Logic, Ratiocinative and Inductive*, which appeared in 1843. This was followed, in due course by his *Essays on some Unsettled Questions of Political Economy* (1844), and *Principles of Political Economy* (1848). In 1859 appeared his little treatise *On Liberty*, and his *Thoughts on Parliamentary Reform*. His *Considerations on Representative Government* belongs to the year 1860; and in 1863 (after first appearing in magazine form) came his *Utilitarianism*.

[19] This is one of the reasons for division among Press or Media Councils or similar bodies.

[20] The first great political philosopher of the Renaissance was Nicolo Machiavelli (1469-1527). His famous treatise, *The Prince*, stands apart from all other political writings of the period insofar as it focus on the practical problems a monarch faces in staying in power, rather than more speculative issues explaining the foundation of political authority. As such, it is an expression of realpolitik, that is, governmental policy based on retaining power rather than pursuing ideals.

[21] Christians, Clifford G (1997) The Ethics of Being in a Communication Context in *Communication Ethics and Universal Values* edited by Clifford Christians and Michael Traber, Sage, USA, p 13-14

[22] Henry Noel Brailsford contributed to Encyclopedia of Social Sciences (1932) on “Indian Question” Vol. VII pp. 673

[23] *An Autobiography or The Story of My Experiments with the Truth*, M.K.Gandhi. Penguin Books Ltd. 1983 p.263

Freedom and Responsibility

When the Western scholars think of freedom of expression and free flow of information which developed into freedom for the media, they begin with Milton[1] and Locke.[2] But the most ancient statement perhaps comes from the Rigveda: "Let noble thoughts come to us from every side."[3] A modern version of this ancient Indian principle is from Mahatma Gandhi who wrote in the *Young India* of 1 June 1921: "I don't want my house to be walled in on all sides and my windows to be stuffed. I want the cultures of all lands to be blown about my house as freely as possible. But I refuse to be blown off my feet by any."[4] This is more or less what in the West is called the libertarian concept. And now practically all democratic countries in the world have adopted this libertarian concept of the press and embodied them in their Constitutions or fundamental laws.

Under the libertarian concept, the functions of the mass media of communication are to inform and to entertain. A third function was developed as a necessary correlation to the others to provide a basis of economic support and thus to ensure financial independence. This was the sale or advertising function. Basically, the underlying purpose of the media was to discover truth, to assist in the process of resolving social and political problems by presenting all manner of evidence and opinion as the basis for taking decisions.

The essential characteristic of this process was its freedom from government controls or domination. The government together with its officials was frequently a party with a direct interest in the outcome of a dispute. Therefore, it should not have additional advantage of exclusive access to the public, which ultimately made the decisions. Neither should it have the right or the power to interfere with the presentation of arguments from the opposition. Thus there developed a refinement of the function of the press as a political institution. It was charged with the duty of keeping government from overstepping its bounds. In the words of Jefferson it was to provide that check on government which no other institution could provide.[5]

The First Amendment to the U.S. Constitution is perhaps the most referred provision in relation to media freedom. It was ratified on 15 December 1791. It states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances". In a judgement on 26 June 1997 the U.S. Supreme Court held that the Communications Decency Act 1996 violated the First Amendment's guarantee of freedom of speech and extended it to the Internet at least to the same extent as the press.[6]

But the criticism of the primacy of the free communication flared up in the USA, Canada and Western Europe as early as the nineteen-forties. There were the traditional arguments for the freedom of the press; in addition, in its report entitled 'A Free and Responsible Press', the American Hutchins Commission[7] focused attention on the social responsibility of the press. As expressed by Hutchins, this theory of responsibility stated that media ownership was a public trust. This line of thought gained in influence from the nineteen fifties, both in the press and the still young broadcasting industry. The report contends that press is free for the purpose of serving democracy; a press that shirks its democratic duties will lose its freedom. The report calls on the press to improve itself in the name of morality, democracy and self-preservation. The report marked a new era in the media. It provided a philosophical framework for the daily workings of the press, one that replaced the prevailing, rather unbridled, libertarian view. The ideas of this commission were received positively in Western Europe too, because of the need for a more 'progressive' policy and as a defence against the concentrations of the press in the nineteen sixties.

Much before Robert Hutchins formulated his doctrine, Gandhi, who was fighting for independence from the British, and using his newspapers as weapons, had expressed himself against irresponsible journalism. Speaking[8] against the Press Act of 1910 which was put on the statute book by the British in order to control the Press in India on 24 June 1916 Gandhi had said:

"I am not disputing the fact that some restraint is necessary to be exercised on newspapers, but there is this to be remembered that in the exercise of such a restraint, discretion and limit should not be lost sight of. It is only with unwarranted restraint that I quarrel. For flimsy reasons, Government officials ought not to exercise restraint on the people's right to express their views. Restraint means inducement to indulge in fallacious or misleading thoughts."

"To my newspaper writer brethren I say, "Say openly whatever you have to say." That is our duty. We would rely on ourselves to expatiate on our grievances, but we must not forget that we have to do that under certain restrictions born out of politeness and sobriety. Whenever we are face to face with a political catastrophe, we should never hesitate to say in as clear terms as possible what we feel and desire to say. For such plain speaking and honest pleading of our cause, we were punished by the Government. Let them do so. What can they do if the worst comes to worst? They will take our bodies at best. Very well, if our bodies are taken away, our souls will become free."

On 5 March 1920, in another speech on Press Act, Gandhi said, "The question which I keep on asking myself is this: if there were no newspapers to give expression to public opinion, how the Government ever know it?.. The Government's condition at present is like that of the meteorologist who has smashed his barometer and would yet measure the atmospheric pressure."[9]

Speaking in the holy city of Varanasi on 8 January 1925, Gandhi said, "I am a journalist myself – an old and seasoned at that, I have been doing that work since 1904 and I believe I know it well enough because when I am full of a subject it is my nature to write as little as I can on it. I say to politicians and writers: Pull up your pen and give the reins to the light within. Be miserly in the use of words, but let there be no enough in self-development. Do not indulge in flattery or loose your temper. While self-restraint in speech is by no means flattery, an outburst of anger, caustic language, is worse than flattery. Flattery and anger are two sides of the same thing – weakness. Anger is the rough side of it. A weak man may either flatter somebody or get angry with him in order to hide his weakness. Let no man given to anger imagine that he thereby displays his strength."[10]

When most of the media disadvantaged parts of the world were opting for controlled press, the first Indian Prime Minister Jawaharlal Nehru opted for the freedom of the press. Nehru sounded like Jefferson when he said, "I have no doubt that even if the government dislikes the liberties taken by the press and considers them dangerous, it is wrong to interfere with the freedom of press. I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or a regulated press." This statement of Nehru became the basic policy dictum on media in India.

Indian Constitution provides for the freedom of expression as a fundamental right and the courts have interpreted that it includes the freedom of the press though there is no direct mention of it like the First Amendment of the Constitution of the United States. In the Indian Constituent Assembly of India, the demand for a specific reference to press freedom was made by Jaya Prakash Narayan and K.T.Shah. B.N.Rao, the Constitutional Advisor to the Constituent Assembly clarified that since the guarantee of freedom of speech and expression included the freedom of the Press, it was hardly necessary to make a specific provision. In the same vein, Dr. B.R.Ambedkar explained that no special mention was at all necessary since the press also consisted of individuals – the editors, managers etc, and it had no special rights, which were not given or which were not exercised by the citizens in their individual capacities. The Constituent Assembly agreed with this reasoning and rejected this demand.

The Supreme Court of India also held in several cases that there was no need for a separate provision in the Constitution for the freedom of the Press as the the expression "freedom of speech and expression is wide enough to comprehend all possible forms of expression including the freedom to publish, propagate and circulate news, views, ideas and information through newspapers and other print media.[11]

India is a signatory to the Universal Declaration of Human Rights, Article 19 which provides that, "Everyone has the right to freedom of opinion and expression: this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." Because of a major role played by the newspapers in the freedom struggle, it has not been possible for Governments even to tighten the defamation law. The only aberration was during internal emergency declared by Mrs Indira Gandhi, which lasted about two years and ended in her electoral defeat in the 1977 General Elections. In fact, this event finally strengthened the freedom of the press in India. Today, the press in India is perhaps the freeest press in the world[12].

Responsibility vs. Accountability

The idea that the media are responsible to the general public made up of citizens is widely accepted, not the least among journalists. Journalists see themselves as using freedom of speech as the representatives of the citizens, and the professional ideal of the journalist typically embodies the roles of both a watchdog and an educator. On the other hand journalists, not to mention media owners, are anxious to remain independent, at least regarding the state, and therefore they are reluctant to accept laws to concretize their abstract responsibility. Accordingly, while media professionals speak warmly about responsibility, they remain lukewarm about accountability.

Responsibility has to do with defining proper conduct, accountability is compelling with it. The issue of responsibility is a practical one the answer to which can come from an examination of the society's needs to know and the media's ability to inform. The issue of accountability is a political one the answer to which can come from an analysis of the centers of power - government, media organizations, public influence.

It is possible to have a press that is both free and responsible. It is not possible, however, to have a press that is totally free and accountable. Journalists' sensitivity to the political issue of accountability is more to be applauded than condemned. Democracy demands a fiercely independent press, especially one free from accountability to government. Although there is good reason for the press to be wary, defensive and resistant about accountability, there is no reason for the same wariness about responsibility. That inquiry can and should be made in dispassionate ways free from the intellectually paralyzing emotions that stir.

The roots of responsibility *per se* lie in the fact that journalists are both individual and social beings whose decisions and actions inevitably affect others. The greater the power or ability to affect others becomes, the heavier becomes the moral duty. That is the general practical ground of the notion of responsibility.

Some essential assumptions about media from which the freedom logically flows are:

Journalism is not and should not be, primarily a self-serving endeavor. Obligation is implicit in the journalistic role, whether it is seen as obligation to society or obligation to preserve a multiplicity of views on the journalistic role. There is also a related assumption that responsible journalism is journalism with a conscience. Journalists should be self-aware, that they should think about their role, and should think about the consequences of their views as well.

This leads to some of the basic questions on the responsibility of the press: Is it a proper role for journalists to become an advocate or neutral observer? Or whatever journalists decide for themselves in each situation is proper? Once a stand is taken on that assumption, how can we expect journalists to act in fulfilling that role? Where should the journalists' loyalties ought to be? What, if anything, do journalists owe to their community? What do they owe to the craft? What do they owe to themselves? Who should determine journalistic responsibilities? Should they be decided by the consumers of the news or by the government or by institutional journalism or by individual practitioners? What functions may society legitimately expect journalists to perform? What the serious journalist ought to accept responsibility for doing? What can and should be the role of the media in a democracy?

The three press responsibility theories are:

1. that which is legally defined and determined by the government.
2. that which is professionally defined and determined by the press itself.

3. that which is pluralistically defined and determined by the individual journalists themselves. In a democratic society the last one is valid. The pluralism of multiple views is critically important but it must be based on specific and fairly complete information. Pluralism is the social structure that allows and even assures the distribution of multiple messages, or identification of alternatives. Pluralism guarantees some social tension and conflict with resulting progress. Monoism, on the other hand, drives towards an appearance of consensus and reduction of conflict with a resulting "closing" of the information system that discourages pluralism, and results in loss of conflict resolving social skills. The mass communicator with a commitment to pluralism must fight two forces; (1) forces that would gain control of messages by consolidation of power and (2) countervailing forces that threaten to stratify and specialize messages. Both serve to limit the number of voices, and - by corollary - pluralistic ideas the reader or viewer will encounter.

A mixture of responsible and irresponsible media activity is the logical result of a media system that allows maximum freedom. A free press will be responsible to some people in some circumstances and to some degree. And likewise it will be irresponsible. And some persons and groups in the society will consider some parts of some press units both responsible and irresponsible.

The Right to Know is argued endlessly. Journalists call for full access to public information on the ground that the public has the right to know. Those who argue against such free and open access attribute less altruism to journalists. They claim that the journalist's vested interest (an interest in selling information for commercial gain) is most served by a right to know.

There are two basic reasons of media freedom in a democracy. First, to ensure providing unfettered flow of information about public affairs. And secondly, press (or media) should be a forum for differing opinion and ideas. In recent years there has been much debate about whether these rights to freedom of expression are primarily for individuals or for institutions of mass communication. Legal scholars, the courts and the media critics have spoken of the press or media as the "necessary representative" of the people, their "trustee" or "surrogate".

Thus, journalists, in a democracy are those who watch for the people and report to people about those who govern. It is a matter of practical necessity, because everyone cannot be there all the time with own eyes, ears and tongue and therefore someone else has to be there. Thus, we, the people "send" journalists to watch government on our behalf. Journalists thus become vital practical link in the chain of communications in a democracy,

The media thus have power in two ways. First, it is power to decide what to report and how. It can determine the quality of reportage. Readers and viewers have relatively little capacity to influence, much less to control, media performance. Second, the very existence of the media serves to give notice to the centers of power (government, economic and social) that they are being watched and will be held accountable to the people.

Media are also equipped to meet educational needs of the people. It involves refinement and testing of political, religious and moral ideas that people use in shaping individual and corporate lives. It is a form of education that manifest the best when conflicting opinions can face each other in an open debate. It occurs when every opinion is freely expressed, making its own appeal revealing the weakness of the contrary opinions. Even in case of true opinions, vigorous discussion is required if opinions are to retain their vitality. Also, discussion is essential to fill us the partial truth contained in most of our opinions.

In case of mediapersons, assigned responsibilities come from law (not to be libelous, not to defame etc.) and news organizations they work for (beats, company policy etc.). Contracted responsibilities come from the news organizations and also with reader/ viewer. Individual responsibilities to the organization tend to be more explicitly and formally defined than are responsibilities to the audience. Self-imposed responsibilities come from the fact that the person who has decided to "be a journalist" acknowledges a primary responsibility to the audience.

Journalists have responsibilities that (1) are based on the function news media have in society, (2) follow from how specific news organizations define their role within the communities they serve and (3) follow from the individual journalist's own value system. First two categories define universal principles and the third category of responsibilities reflects limits that can be set only by the individual journalist. It follows from this addition of personal freedom of choice that there will be a plurality of morally permissible behaviors within the limitations set by the first two categories.

Plato was speaking directly to the mass communicators of his time when he said: "Ought we not then set about treatment of state and its citizens on this principle, with the idea of making citizens themselves as good as possible? Without such a principle, as we discovered earlier, one can do no good; no other service to the state is of slightest avail if those who are to acquire riches or authority over people or any other kind of power are not men of good will."

John Stuart Mill, the champion for liberty of speech said: "To decide what opinions shall be permitted and what prohibited, is to choose opinions for the people: since they cannot adopt opinions which are not suffered to be presented to their minds. Whoever chooses opinion for the people possesses absolute control over their actions and may wield them for his own purposes with perfect security."

The whole notion of democracy depends on journalists being free to act as they wish, even if their actions are seen as irresponsible by some. James Mill, perhaps the first proponent of "watchdog function" of journalism, advocated press freedom because it "made known the conduct of the individuals who have been chosen to wield the powers of government."

John Stuart Mill, James's son, wanted to hold the individual to a high standard of responsibility to his fellow men. But he was a freedom lover to the extent that he did prefer that "the conscience of the agent himself enforce a person's responsibility and that a free society should put few restrictions on its members' behavior.

Powerful institutions should contribute to the public good. They should not harm individuals or groups within the society unless that is necessary for the larger good. News organizations establish policies that govern behavior, letting the audience and advertisers know what they can expect and letting the employees know what is expected of them. This is done through formal written philosophies, through promotional material directed at audience or advertisers or simply through day to day practice. Communicating expectations that the news organization is willing to fulfill states promises of sorts. For example when a news organization says that it offers "all the news that's fit to print," or "all you need to get through your busy day", the organization had better come through with just that.

Journalists have an interest in keeping their information gathering above reproach. They owe it to public trust, certainly because it is likely that an audience would lose trust in an organization that is shown to be less corrupt than those it exposes. If a single journalist or news organization acts in ways that lessen public trust, that journalist subjects all other journalists to suspicion.

Based on usual promises, journalists have the responsibilities to be honest and fair in their presentation and to speak for the "downtrodden".

Journalists are more than representatives of the media and more than representatives of specific news organizations. First, they are each autonomous moral agents and thus responsible for their own actions. "My editor told me to do it" is no justification for one's action; nor is, "That's just what journalists do."

Individual value systems or beliefs can serve as a check on conventional "professional" dictates that serve no larger purpose for the community - on the journalistic norms that are not justifiable on the promise or power base. For example, "Never let your source see a news story prior to publication" is a journalistic convention operative in most newsrooms. Yet, more than one thoughtful journalist has set this convention aside when working on specific stories because they decide, in a autonomous fashion, that accuracy in a complex story or fairness to a source demands otherwise.

Individual autonomy is necessary for the moral health of any profession or group. A plurality of value systems among practitioners is acceptable and even preferred over uniform beliefs. Conventional norms that define group behavior change only through friction. If all members of a professional group shared exactly the same values, there would be no hope for improvement or growth, no questioning of normative attitudes or actions. Acceptable values change over time. For example, accepting free gifts and handouts, once considered bonuses of the job, is now grounds for being fired in most news organizations. Individual journalists decided that taking "freebies" compromised their ability to perform their jobs dispassionately.

Once on the job, the journalist operates autonomously, but within justifiable limits. Operating freely includes voluntarily embracing responsibilities to society and community that are inherent in one's profession of choice. Thus, responsibility in journalism has returned - as it must surely return, in an open society - to the personal and individual definitions of freedom and responsibility.

The ethical imperative for the press and/or mass media places squarely on that industry the challenge of being largely responsible for making the open society work. The industry furthermore is in remarkable position of making that contribution in an environment almost completely free of regulation. As journalists examine their ethics, they should recognize that the basic purpose of an ethic is not to protect strong from the weak, but to protect the defenceless or powerless, to distribute power - a condition in which a participatory society is most likely to function best.

The journalist's principal and overriding responsibility is to assure the integrity of the press by seeing to it that the press is at all times free to conduct itself in accordance with its highest ideals. At the very least this means that a free press is a press free to act with regard for and with reference to the general welfare of the society.[13] Origins of that obligation stretch back to the British Parliament of the 1790s that first allowed journalists into its halls and acknowledged the press' ability to influence the public. Edmund Burke (1729- 1797) stood in the House of Commons and proclaimed the press to be the "fourth estate[14], [of the realm] more powerful than all the rest."

MacBride Commission

Perhaps the most balanced document on global communication situation produced after 5 years of labor of 16 wise persons under the leadership of Irish Nobel laureate Sean MacBride (1904-1988) was *Many Voices One World*. Betty Zimmerman, the Canadian member of MacBride Commission, said about it: "I am not disappointed with the book or its recommendations. It will serve a certain purpose, which is that it is a very good study, it gives a lot of information in different areas and each country can then look at it in its own terms. A lot of the problems people were talking about were put down, but not solved. No commission is going to solve them. It put ideas in people's minds in many fields. I'm always disappointed that my own idea of priorities is not met, but in fact in many cases I was convinced that the group as a group was wiser than its individuals."[15]

The Commission's chapter on rights and responsibilities of journalists begins with: "Although millions of people work in communication in one way or another, special attention is rightly devoted to journalists. They have not only an important social function, but their potential capacity to influence and even to shape ideas and opinions, and the problems in which they are involved by the nature of their work, make journalism both a profession and a mission. This is particularly important since public opinion is dependent more than ever on those who supply objective, truthful and unbiased news and information; the news gatherer and news disseminator are essential to the workings of any democratic system."

According to the Commission: "There is general recognition of the fact that journalists have responsibilities not only vis-a-vis their own convictions but also towards the public. Summarily, four kinds of responsibility may be defined: (a) contractual responsibility in relation to the media and their internal organization; (b) a social responsibility entailing obligations towards public opinion and society as a whole; (c) responsibility or liability deriving from the obligation to comply with the law; (d) responsibility towards the international community, relating to respect of universal values. These four types of responsibility may in certain respects be contradictory or even conflicting."

On access to information, the Commission said: "It is a question, on the one hand, of freedom of information and of expression; on the other hand, of the right of the reading and listening public to be informed and to hear diverse opinions, which belongs to every citizen but depends in practice on the freedom of journalists."

It said: "Freedom of the press in its widest sense represents the collective enlargement of each citizen's freedom of expression, which is accepted as a human right. Democratic societies are based on the concept of sovereignty of the people, whose general will is determined by an informed public opinion. It is this right of the public to know that is the essence of media freedom of which the professional journalist, writer and producer are only custodians. Deprivation of this freedom diminishes all others." And: "There can be many perceptions of the truth. However, the right of inquiry and expression, including dissent, is essential for establishing a more complete and rounded truth which men and nations need in a complex and diverse world. No news organ or information system is therefore, worth more than the credibility it enjoys."

The Commission observed: "The need to make provisions for the protection of journalists stems from a number of considerations that go far beyond the ensuring of personal safety, independence, and integrity of the journalists. Freedom of expression is a vital part of the essential democratic process guaranteed by the Universal Declaration of Human Rights and by the various international instruments adopted to ensure the protection of human rights and fundamental freedoms. It flows from these guarantees that the public of every country is entitled as a right, to receive news, information and views, without interference and regardless of frontiers, and that this is an integral part of the democratic process. Accordingly we are dealing here with two fundamental rights namely (a) the right to communicate news, information and views; (b) the right to receive news, information and views. These rights depend largely on the freedom of all those involved in the media to exercise objectivity in their role as gatherers and communicators of news, information and views, without interference and in complete security."

Describing the dangers to journalists and discussing their protection, the Commission said, "reservations are also widely expressed about the desirability of a general system of protection. These are based, firstly, on the principle that journalists ought not to seek privileges or favours, which accord them any unique position. Human rights for all people are the best guarantee of freedom of information; in other words, journalists will be truly protected when everyone's rights are fully recognized. In addition, the view is widely held in the profession itself that measures for special protection could result in journalists being guided and watched by representatives of authority, so that it might be harder rather than easier for them to do their work. In particular, protection might be made contingent on a licensing scheme which would enable the authorities to rule on who is and who is not a journalist. This would infringe upon the principle that a journalist has a professional identity simply by the fact of his employment or (in some countries) by membership in his trade union or professional association. Licensing schemes might well lead to restrictive regulations governing the conduct of journalists; in effect, protection would be granted only to those journalists who had earned official approval. Although problems concerning the protection of journalists are real and preoccupying, we share the anxiety aroused by the prospect of licensing and consider that it contains dangers to freedom of information." The Commission stressed the link between the freedom of the journalist and the freedom of the citizen, and reiterated "our conviction that the former is an essential feature of a democratic society."

The Commission concluded: "For the journalist, freedom and responsibility are indivisible. Freedom without responsibility invites distortion and other abuses. But in the absence of freedom there can be no exercise of responsibility. The concept of freedom with responsibility necessarily includes a concern for professional ethics, demanding an equitable approach to events, situations or processes with due attention to their divers aspects."

This is what Dr. Thorsten Cars, former Swedish Ombudsman used to say, "Without ethics there can be no freedom and without freedom there can be no ethics."

The best way, therefore consistent with the freedom of the press and maintaining a proper relationship between the press and society is self-regulation.

International Mechanisms

The MacBride Commission and the UNESCO was caught up in the Cold War and led to walkout of UK and US from UNESCO. The bias generated by the Cold War bitterness still sometimes leads to uncharitable remarks regarding Commission's work. After the end of the Cold War an international trio emerged to raise voice for freedom of expression: The UN Special Rapporteur on Freedom of Opinion and Expression, OSCE[16] Representative on Freedom of the Media and OAS Special Rapporteur on Freedom of Expression[17]. The three are called: *International Mechanisms for Promoting Freedom of Expression.*

The first significant statement of this trio was signed by Abid Hussain,[18] UN Special Rapporteur on Freedom of Opinion and Expression, Freimut Duve, OSCE Representative on Freedom of the Media and Santiago Canton, OAS Special Rapporteur on Freedom of Expression in London on 26 November 1999. In this Joint declaration on Freedom of Expression they said:

- We recall that freedom of expression is a fundamental international human right and a basic component of a civil society based on democratic principles.
- An independent and pluralistic media is essential to a free and open society and accountable government. Respect for freedom of the media in our Member States, although very different from country to country, leaves much to be desired.
- Certain States have continued to exert and allow impermissible pressure on the media in their respective countries. The levels of harassment might be different but the general aim is the same: to suppress pluralism and open debate on issues of concern to citizens.
- Freedom of expression is not only a fundamental human right in and of itself, but it has ramifications for economic development as well. The media has a "corrective" function by bringing to

the public's attention corruption and inequitable practises. The absence of free media can lead to economic stagnation and improper practices by both governments and businesses.

— Implicit in freedom of expression is the public's right to open access to information and to know what governments are doing on their behalf, without which truth would languish and people's participation in government would remain fragmented.
— The media should refrain from any advocacy of national, racial or religious hatred that constitutes incitement to violence or to any other similar action.
— In many countries laws are in place, such as criminal defamation laws, which unduly restrict the right to freedom of expression. We urge States to review these laws with a view to bringing them into line with their international obligations.
— We affirm that States must ensure an effective, serious and impartial judicial process, based on the rule of law, in order to combat impunity of perpetrators of attacks against freedom of expression.

Racism

Another joint statement the three signed was on racism and media on 1 March 2001.

In support of the objectives and with the desire to make a contribution to the preparations for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, we:

Reaffirm that the promotion of equality, and freedom from racism, discrimination, xenophobia and intolerance, are essential to the realisation of human rights and freedoms.

Stress the fundamental importance of the right to freedom of expression, including of the media, for the personal development, dignity and fulfilment of every individual, for the promotion and protection of equality and democracy, for the enjoyment of other human rights and freedoms, and for the progress and welfare of society.

Note with concern the prevalence of racism and discrimination, as well as the existence in many countries and regions of the world of a climate of intolerance, and the threat these pose to equality and full enjoyment of human rights and freedoms.

Recognise the positive contribution the exercise of the right to freedom of expression, particularly by the media, and full respect for the right to freedom of information can make to the fight against racism, discrimination, xenophobia and intolerance.

Recognise as harmful all forms of expression which incite or otherwise promote racial hatred, discrimination, violence and intolerance and note that crimes against humanity are often accompanied or preceded by these forms of expression.

Are cognisant of the need to ensure a balance between efforts to combat racism, discrimination, xenophobia and intolerance, and protection of the right to freedom of expression.

Reiterate the need to respect the editorial independence and autonomy of the media.

Desire to make a contribution to the preparations for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Adopt the following Joint Statement

Promoting an optimal role for the media in the fight against racism, discrimination, xenophobia and intolerance requires a comprehensive approach which includes an appropriate civil, criminal and administrative law framework, and which promotes tolerance, through education, self-regulation and other positive measures.

These efforts must be taken with the realisation that respect for freedom of expression and information ensures that all citizens have access to information which helps them form their opinions and challenges their views, and which they need to make decisions.

Civil, Criminal and Administrative Law Measures

Any civil, criminal or administrative law measures that constitute an interference with freedom of expression must be provided by law, serve a legitimate aim as set out in international law and be necessary to achieve that aim. This implies that any such measures are clearly and narrowly defined, are applied by a body which is independent of political, commercial or other unwarranted influences and in a manner which is neither arbitrary nor discriminatory, and are subject to adequate safeguards against abuse, including the right of access to an independent court or tribunal. If these safeguards are not in effect, there is a very real possibility of such measures being abused, particularly where respect for human rights and democracy is weak, and hate speech laws have in the past been used against those they should be protecting.

In accordance with international and regional law, hate speech laws should, at a minimum, conform to the following:

- no one should be penalised for statements which are true;
- no one should be penalised for the dissemination of hate speech unless it has been shown that they did so with the intention of inciting discrimination, hostility or violence;
- the right of journalists to decide how best to communicate information and ideas to the public should be respected, particularly when they are reporting on racism and intolerance;
- no one should be subject to prior censorship; and
- any imposition of sanctions by courts should be in strict conformity with the principle of proportionality.

These standards should also apply to new communications technologies such as the Internet, which are of enormous value in promoting the right to freedom of expression and the free flow of information and ideas, particularly across frontiers and at the global level. Any restrictions on these new communications technologies should not:

- limit or restrict the free flow of information and ideas protected by the right to freedom of expression; or
- enable the authorities to interfere with the work of, or intimidate, human rights defenders.

Defamation laws have in some cases been used to limit the right to freely identify and openly combat racism, discrimination, xenophobia and intolerance. To prevent this from happening, defamation laws should be brought into line with international standards on freedom of expression, in particular as outlined in our Joint Declaration of 30 November 2000.

Freedom of Information

The free flow of information and ideas is one of the most powerful ways of combating racism, discrimination, xenophobia and intolerance. There should be free access to information which exposes or otherwise helps to combat these problems, whether that information is held by public or private bodies, unless denial of access can be justified as being necessary to protect an overriding public interest. In addition, States should ensure that the public has adequate access to reliable information relating to racism, discrimination, xenophobia and intolerance including, where necessary, through the collection and dissemination of such information by public authorities.

Promoting Tolerance

Media organisations, media enterprises and media workers – particularly public service broadcasters – have a moral and social obligation to make a positive contribution to the fight against racism, discrimination, xenophobia and intolerance. There are many ways in which these bodies and individuals can make such a contribution, including by:

- designing and delivering media training programmes which promote a better understanding of issues relating to racism and discrimination, and which foster a sense of the moral and social obligations of the media to promote tolerance and knowledge of the practical means by which this may be done;
- ensuring that effective ethical and self-regulatory codes of conduct prohibit the use of racist terms and prejudicial or derogatory stereotypes, and unnecessary references to race, religion and related attributes;
- taking measures to ensure that their workforce is diverse and reasonably representative of society as a whole;
- taking care to report factually and in a sensitive manner on acts of racism or discrimination, while at the same time ensuring that they are brought to the attention of the public;
- ensuring that reporting in relation to specific communities promotes a better understanding of difference and at the

same time reflects the perspectives of those communities and gives members of those communities a chance to be heard; and

— promoting a culture of tolerance and a better understanding of the evils of racism and discrimination.

After September 11

Another significant joint declarations came in November 2001 after the September 11 attacks in New York and Washington. It was called Joint Declaration on Challenges to Freedom of Expression in the New Century:

Having met with representatives of NGOs, UNESCO, journalists' associations and human rights experts in London on 19-20 November 2001, under the auspices of Article 19, Global Campaign for Free Expression, assisted by Canadian Journalists for Free Expression, we;

— Recall and reaffirm our Joint Declarations of 26 November 1999 and 30 November 2000; Condemn the criminal terrorist attacks of 11 September 2001 and extend our deepest feelings of sympathy to the victims;

— Are of the view that the events of 11 September 2001 and their aftermath highlight the importance of open public debate based on the free exchange of ideas, and should serve as a catalyst for States all over the world to bolster guarantees of freedom of expression;

— Express our concern about the consequences these events are having for the right to freedom of expression at the advent of the "electronic century" which is witnessing the growing dominance of forms of communication such as broadcasting and the Internet;

— Are aware of the fact that broadcasting remains the most important source of information for most people in the world; Recognise the growing importance of the Internet, and its potential as a tool to enhance the right to freedom of expression and freedom of information;

— Note the importance of regional mechanisms in promoting the right to freedom of expression and the need to promote such mechanisms in every region of the world, including in Africa and Asia;

— Recall the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban and our Joint Statement on Racism and the Media of 27 February 2001, which stated: “Promoting an optimal role for the media in the fight against racism, discrimination, xenophobia and intolerance requires a comprehensive approach which includes an appropriate civil, criminal and administrative law framework, and which promotes tolerance, including through education, self-regulation and other positive measures”;

Adopt the following Declaration:

Countering Terror

— Terror must not triumph over human rights in general, and freedom of expression in particular; - Certain governments have, in the aftermath of the events of 11 September, adopted measures or taken steps to limit freedom of expression and curtail the free flow of information; this reaction plays into the hands of the terrorists;

— Guarantees for freedom of expression have developed over centuries but they can easily be rolled back; we are particularly concerned that recent moves by some governments to introduce legislation limiting freedom of expression set a bad precedent;

— We are of the view that an effective strategy to address terror must include reaffirming and strengthening democratic values, based on the right to freedom of expression;

— The events of 11 September have brought in their wake a rise in racism and attacks against Islam; we call on governments, as well as the media, to do all within their power to combat this dangerous trend;

Broadcasting

— Promoting diversity should be a primary goal of broadcast regulation; diversity implies gender equity within broadcasting, as well as equal opportunity for all sections of society to access the airwaves;

— Broadcast regulators and governing bodies should be so constituted as to protect them against political and commercial interference;

— Effective measures should be adopted to prevent undue concentration of media ownership; - Media owners and media professionals should be encouraged to conclude agreements to guarantee editorial independence; commercial considerations should not unduly influence media content;

— We are of the view that elected political officials and members of government who are media owners must separate their political activities from their media interests;

The Internet

— The right to freedom of expression applies to the Internet, just as it does to other communication media;

— The international community, as well as national governments, should actively promote universal access to the Internet, including through supporting the establishment of information communication technology (ICT) centres;

— States should not adopt separate rules limiting Internet content.

Council of Europe Resolution

The Assembly of the Council of Europe on July 1, 1993 (42nd Sitting) adopted a resolution No. 1003 (1993) on the ethics of journalism. It is as follows:

The Assembly affirms the following ethical principles for journalism and believes that they should be applied by the profession throughout Europe.

News and opinions

1. In addition to the legal rights and obligations set forth in the relevant legal norms, the media have an ethical responsibility towards citizens and society which must be underlined at the present time, when information and communication play a very important role in the formation of citizens' personal attitudes and the development of the society and democratic life.

2. The journalist's profession comprises rights and obligations, freedoms and responsibilities.
3. The basic principle of any ethical consideration of journalism is that a clear distinction must be drawn between news and opinions, making it impossible to confuse them. News is information about facts and data, while opinions convey thoughts, ideas, beliefs or value judgements on the part of media companies, publishers or journalists.
4. News broadcasting should be based on truthfulness, ensured by the appropriate means of verification and proof, and impartiality in presentation, description and narration. Rumour must not be confused with news. News headlines and summaries must reflect as closely as possible the substance of the facts and data presented.
5. Expression of opinions may entail thoughts or comments on general ideal or remarks on news relating to actual events. Although opinions are necessarily subjective and therefore, cannot and should not be made subject to the criterion of truthfulness, we must ensure that opinions are expressed honestly and ethically.
6. Opinions taking the form of comments on events or actions relating to individuals or institutions should not attempt to deny or conceal the reality of the facts or data.

The right to information as a fundamental human right

Publishers, proprietors and journalists

7. The media's work is one of 'mediation', providing an information service, and the rights which they own in connection with freedom of information depends on its addressees, that is the citizens.
8. Information is a fundamental right which has been highlighted by the case law of the European Commission and Court of Human Rights relating to Article 10 of the European Convention on Human Rights and recognised under Article 9 of the European Convention on Transfrontier Television, as well as in all democratic constitutions. The owner of the right is the citizen, who also has the related right to demand that the information

supplied by journalists is conveyed truthfully, in the case of news, and honestly, in the case of opinions, without outside interference by either the public authorities or the private sector.

9. The public authorities must not consider that they own information. The representativeness of such authorities provide the legal basis for efforts to guarantee and extend pluralism in the media and to ensure that the necessary conditions are created for exercising freedom of expression and the right to information and precluding censorship. Moreover, the Committee of Ministers is aware of this fact, as demonstrated by its Declaration on the Freedom of Expression and Information adopted on 29 April 1982.
10. When dealing with journalism it must be borne in mind that it relies on the media, which are part of a corporate structure within which a distinction must be made between publishers, proprietors and journalists. To that end, in addition to safeguarding the freedom of the media, freedom within the media must also be protected and internal pressures guarded against.
11. News organisations must consider themselves as special socio-economic agencies whose entrepreneurial objectives have to be limited by the conditions for providing access to a fundamental right.
12. News organisations must show transparency in matters of media ownership and management, enabling citizens to ascertain clearly the identity of proprietors and the extent of their economic interest in the media.
13. Inside the news organisation, publishers and journalists must co-exist, bearing in mind that the legitimate respect for publishers' and owners' ideological orientations is limited by the absolute requirements on truthful news reporting and ethical opinions. This is essential if we are to respect the citizens' fundamental right to information.
14. These requirements are such that we must reinforce the safeguards of the journalist's freedom of expression, for they must in the last instance operate as the ultimate sources of information. In this connection we must legally expand and clarify the nature of the conscience clause and professional

secrecy vis-à-vis confidential sources, harmonising national provisions on this matter so that they can be implemented in the wider context of democratic Europe.

15. Neither publishers and proprietors nor journalists should consider that they own the news. News organisations must treat information not as a commodity but as a fundamental right of the citizen. To that end, the media should exploit neither the quality nor the substance of the news or opinions for purposes of boosting readership or audience figures in order to increase advertising revenue.
16. If we are to ensure that information is treated ethically, its target audience must be considered as individuals and not as a mass.

The function of journalism and its ethical activity

17. Information and communication as conveyed by journalism through the media, with powerful support from the new technologies, has decisive importance for the development of the individual and society. It is indispensable for democratic life, since if democracy is to develop fully it must guarantee citizen participation in public affairs. Suffice it is to say that such participation would be impossible if the citizens were not in receipt of the information on public affairs which they need and which must be provided by the media.
18. The importance of information, especially radio and television news, for culture and education was highlighted in Assembly Recommendation 1067. Its effects on public opinion are obvious.
19. It would be wrong to infer from the importance of this role that the media actually represent public opinion or that they should replace the specific functions of the public authorities or institutions of an educational or cultural character such as schools.
20. This would amount to transforming the media and journalism into authorities or counter-authorities ('mediocracy'), even though they would not be representative of the citizens or subject to the same democratic controls as the public authorities,

and would not possess the specialist knowledge of the corresponding cultural or educational institutions.

21. Therefore journalism should not alter truthful, impartial information or honest opinions, or exploit them for media purposes, in an attempt to create or shape public opinion, since its legitimacy rests on effective respect for the citizen's fundamental right to information as part of respect for democratic values. To that end, legitimate investigative journalism is limited by the veracity and honesty of information and opinions and is incompatible with journalistic campaigns conducted on the basis of previously adopted positions and special interests.
22. In journalism, information and opinions must respect the presumption of innocence in particular in cases which are still *sub judice* and must refrain from making judgements.
23. The right of individuals to privacy must be respected. Persons holding office in public life are entitled to protection for their privacy except in those cases where their private life may have an effect on their public life. The fact that a person holds a public post does not deprive him of the right to respect for his privacy.
24. The attempt to strike a balance between the right to respect for private life, enshrined in Article 8 of the European Convention on Human Rights, and the freedom of expression set forth in Article 10, is well documented in the recent case law of the European Commission and Court of Human Rights.
25. In the journalist's profession, the end does not justify the means, therefore information must be obtained by legal and ethical means.
26. At the request of the persons concerned, the news media must correct, automatically and speedily, and with all relevant information provided, any news item or opinion conveyed by them which is false or erroneous. National legislation should provide for appropriate sanctions and, where applicable, compensation.
27. In order to harmonise the application and exercise of this right in the member states of the Council of Europe, we must

implement Resolution (74) 26 on 'the right of reply - position of the individual in relation to the press', adopted by the Committee of Ministers on 2 July 1974, and also the relevant provisions of the Convention on Transfrontier Television.

28. In order to ensure high-quality work and independence on the part of journalists, they must be guaranteed decent pay and proper working conditions and facilities.
29. In the relations which the journalist must maintain in the course of his duties with the public authorities or the various economic sectors, care should be taken to avoid any kind of connivance liable to affect the independence and impartiality of journalism.
30. In journalism, controversial or sensational items must not be confused with subjects on which it is important to provide information. The journalist must not exploit his duties for the principal purpose of acquiring, prestige or personal influence.
31. In view of the complexity of the process of providing information, which is increasingly based on the use of new technologies, speed and conciseness, journalists must be required to have appropriate professional training.

Rules governing editorial staff

32. Within the newspaper business, publishers, proprietors and journalists must live side by side. To that end, rules must be drawn up for editorial staff in order to regulate professional relations between the journalists and the publishers and proprietors within the media, separately from the normal requirements of labour relations. Such rules might provide for the setting up of editorial boards.

Situations of conflict and cases of special protection

33. In society, situations of tension and conflict sometimes arise under the pressure of factors such as terrorism, discrimination against minorities, xenophobia or war. In such circumstances the media have a moral obligation to defend democratic values: respect for human dignity, solving problems by peaceful, tolerant means, and consequently to oppose violence and the language of hatred and confrontation and to reject all discrimination based on culture, sex or religion.

34. No one should remain neutral vis-à-vis the defence of democratic values. To that end the media must play a major role in preventing tension and must encourage mutual understanding, tolerance and trust between the various communities in regions where conflict prevails, as the Secretary General of the Council of Europe has set out to do with her confidence-building measures in the former Yugoslavia.

35. Having regard to the very specific influence of the media, notably television, on the attitudes of children and young people, care must be taken not to broadcast programmes, messages or images glorifying violence, exploiting sex and consumerism or using deliberately unsuitable language.

Ethics and self-regulation in journalism.

36. Having regard to the requisite conditions and basic principles enumerated above, the media must:
undertake to submit to firm ethical principles guaranteeing freedom of expression and the fundamental right of citizens to receive truthful and honest information.

37 In order to supervise the implementation of these principles, self-regulatory bodies or mechanisms must be set up comprising publishers, journalists, media users, associations, experts from the academic world and judges; they will be responsible for issuing resolutions in respect of ethical precepts in journalism, with prior commitment on the part of the media to publish the relevant resolutions. This will help the citizen, who has the right to information, to pass either positive or negative judgement on the journalist's work and credibility.

38. The self-regulatory bodies or mechanisms, the media users' associations and the relevant university departments could publish each year the research done *a posteriori* on the truthfulness of the information broadcast by the media, comparing the news with the actual facts. This would serve as a barometer of credibility which citizens could use as a guide to the ethical standard achieved by each medium or each section of the media, or even each individual journalist. The relevant corrective mechanisms might simultaneously help

improve the manner in which the profession of media journalism is pursued.

Notes and References

[1] John Milton (1608-1674) one of the greatest poets of the English language, best-known for his epic poem *Paradise Lost* (1667). Milton's powerful, rhetoric prose and the eloquence of his poetry had an immense influence especially on the 18th-century verse. Besides poems, Milton published pamphlets defending civil and religious rights.

[2] John Locke (1632-1704) expressed his views on government in his work *Two Treatises of Government*. In summary, with this work, Locke defended the proposition that government rests on popular consent and rebellion is permissible when government subverts the ends (the protection of life, liberty, and property) for which it is established.

[3] "Aa no bhadrah ritvo yantu vishvath" Rigveda, I-89-1.

[4] Collected Work of Mahatma Gandhi Volume XX, Publication Division , New Delhi, 1966 p.159.

[5] Siebert, Fred S.et.al *Four Theories of the Press*, University of Illinois Press, 1963.

[6] Web-site fact.trib.com.

[7] In 1947 the Hutchins commission published its findings: A Free and Responsible Press: A General Report on Mass Communication: Newspapers, Radio, Motion Pictures, Magazines, and Books.

[8] This meeting was organised by Indian Press Association. CWMG Vol. XIII p.283.

[9] CWGM Volume XVII, Publication Division , New Delhi, p. 69.

[10] Quoted by Mahadev Desai in Day to Day with Gandhi Vol. V , Sarva Seva Sangh Prakashan, Varanasi, 1970 pp.154-155.

[11] Romesh Thaper vs. State of Madras (1950) SCR 594: Express Newspapers vs. Union of India 1959 SCR 12; Bennet Coleman vs. Union of India, A.I.R. 1973 SC 106.

[12] Indian judiciary has always taken a very soft view of the press and there are hardly any judgements where damages are given to persons defamed as is done in most Western countries. Rajeev Gandhi had to withdraw a bill to tighten defamation laws but had to withdraw after protests from the Press. Even privacy is not such a big issue in India as it is in the West.

[13] In Red Lion decision of US Supreme Court (1969) ruled that it "is the right of the viewers and listeners, not the right of the broadcasters, which is paramount." (319 U.S.190, 217 [1969]).

[14] Estate :A major social class, such as the clergy, the nobility, or the commons, formerly possessing distinct political rights.

[15] http://www.dfait-maeci.gc.ca/ciw-cdm/Zimmerman-en.asp.

[16] The Organization for Security and Co-operation in Europe (OSCE) is the

largest regional security organization in the world with 55 participating States from Europe, Central Asia and North America. It is active in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The position of the OSCE Representative on Freedom of the Media was established in December 1997.

[17] The Office of the Special Rapporteur for Freedom of Expression is a permanent office, created in 1998 by the Inter-American Commission on Human Rights (IACHR), an organ of the Organization of American States(OAS) whose principal function is to promote the observance and defense of human rights and to serve as an advisory body to the Organization on this subject.

[18] Former Indian Ambassador to U.S. served as the first UN Special Rapporteur on Freedom of Opinion and Expression from 1993-2002.

Councils and Ombudsmen

Though self-regulation is the ideal form of media regulation, in most countries it supplements legal provisions and is considered moral means to avoid more heavy-handed legal framework. As the law is meant to protect the interests of the people in a democracy, self-regulation is meant to give semblance of protection to people against any excesses of media. Various kinds of press or media councils and ombudsmen are the institutions that have been evolved and some are still functioning in many parts of the world.

The first ombudsman in Britain, for example, appointed in *Daily Mirror*, London, was Sir William Wood who served from 1984 to 1989. After him Robert Maxwell appointed a Labour party M.P, Peter Archer for *Daily Mirror, Sunday Mirror* and *People*. The group abolished the institution in March 1991. When the newspaper proprietors were unhappy with Sir Loius Bloom-Cooper, the last chairman of the British Press Council, they abolished it on 31 December 1990. However, when MacBride Commission surveyed the scene the British Press Council was still existing and "has acquired a special reputation thanks to the integrity and firmness." In the US the National News Council was funded by Twentieth Century Fund, but the newspapers did not co-operate with it and the Council could function for only about a decade.

MacBride Commission noted: "As regards some European countries, France has neither press nor media councils, while in Italy a law was enacted in 1959 establishing courts of honour for the press. In Belgium, while there is as yet no press council properly so called, there exists a Council of Discipline and Arbitration. Although no press or media council exists in Japan, NSK (Nihon Shinbun Kyokai – The Japan Newspaper Publishers and Editors Association) exercises self-regulatory functions of the following codes in connection with newspaper editing, sale and advertisements: The Canons of Journalism; Newspaper Sales Code; Newspaper Advertising Code of Ethics and Advertising Publication Standards. Developing countries like Ghana, Indonesia, India, Kenya, Nigeria, Egypt, Tunisia and others have press councils or similar bodies."[1]

The Commission also pointed out, "Press and media councils have been established in various ways. Frequently, the initiative for setting them up has come from the professionals or the media themselves, even if they have not always seemed very enthusiastic about the idea. In some cases, their establishment has resulted from prompting or pressure, direct or indirect, on the part of the government or the legislature. For example, councils have been directly established by the government, as an Indonesia; by the government but with independent or non-governmental appointees as in Ghana; by an act of parliament with members approved by the government, as in India; by a bill with non-governmental members, as in Italy. Voluntary bodies have been created by the publishers and journalists, as in the Federal Republic of Germany; by a foundation, with the support of media enterprises, corporations and individuals, as in the United States (the National News Council); by proprietors, editors and journalists as in the UK; by newspapers as in Burma, before the council was dissolved; by the publishers as in Denmark; by newspapers, radio and television as in Finland; by journalists as in the Netherlands."

The first councils were established in the beginning of the 20th century, at around the same time as the first ethical codes were emerged. A real boom of the councils began after the Second World War and peaked in the 1960s, when several already existing councils also began to be remodeled or revised. The most important example for the later councils was the now defunct British "General Council of the Press", founded in 1953, on which the German *Presserat* was modeled. The British Press Council was not, however, the first of its kind in Europe. Scandinavian journalists were years ahead of their British colleagues. The Swedish Court of Honour was founded as early as in 1916, the Finnish and the Norwegian bodies in the late1920s.

The Swedish Example

The Swedish Press Council (Pressens Opinionsnämnd, PON), founded in 1916, is the oldest body of its kind in the world. This self-disciplinary system of the Swedish press is not based on legislation. It is entirely voluntary and fully financed by four press organisations: The Newspaper Publishers Association, The Magazine Publishers Association, The Swedish Union of Journalists and The National Press Club. These organisations are also responsible for drawing up the Code of Ethics for Press, Radio and Television in Sweden. The Press Council is composed of a judge, who acts as chairman, one representative from each of the above-mentioned press organisations and three representatives of the general public who are not allowed to have any ties to the newspaper business or to the press organisations.

The office of the Press Ombudsman[2] (Allmänhetens Pressombudsman, PO) was established in 1969. The Press Ombudsman is appointed by a special committee consisting of the Chief Parliamentary Ombudsman (JO), the chairman of the Swedish Bar Association and the chairman of the National Press Club.Before the establishment of the office of the Press Ombudsman, complaints regarding violations of good journalistic practice were filed with the Press Council. Now the complaints are first handled by the Press Ombudsman, who is also empowered to take up matters on his own initiative, provided that the person or persons concerned are in agreement.

Any interested members of the public can lodge a complaint with the PO against newspaper items they regard as a violation of good journalistic practice. But the person to whom the article relates must provide written consent if the complaint is to result in formal criticism of the newspaper. When a complaint is filed, PO's task is to ascertain whether it can be dealt with by a factual correction or a reply from the affected person published in the newspaper concerned. PO may contact the newspaper for this purpose. If the matter cannot be settled in this way, the PO may undertake an inquiry if it is suspected that the rules of good journalistic practice have been violated. PO will then ask the newspaper's editor-in-chief to answer to the allegations of the complainant and the complainant will in turn be offered the opportunity to comment on the newspaper's reply. Complaints must as a rule be filed within three months of the original publication.

Once the inquiry is concluded, PO has two alternatives: either (1) the matter is not considered to warrant formal criticism of the newspaper, or (2) the evidence obtained is weighty enough to warrant decision by the Press Council. If PO writes off a complaint the complainant may appeal directly to the Press Council. Nothing prevents the complainant from taking the matter to a regular court of law after review by PO and the Press Council. To file a complaint with PO is free of charge. PO also answers queries from the general public on matters of press ethics. A newspaper that has been found to violate good journalistic practice is expected to publish the written decision of the Press Council. It shall also pay an administrative fine.

In recent years, 350-400 complaints have been registered annually. These often concern coverage of criminal matters and invasion of privacy. About 30% of the complaints have been reviewed by the Press Council either on PO's demand or, if PO has written off the case, on appeal by the complainant. The remainder, which constitute the large majority of complaints, have been written off for various reasons, e.g. because the complaints were unsubstantiated or the newspaper printed a correction or a reply. Ten to fifteen per cent of all complaints have resulted in formal criticism of the newspaper in question by the Press Council.

Thus, Sweden has both the Press Council and Ombudsman functioning very satisfactorily. And this is why in Sweden, the State has never made any attempt to turn the press council into an instrument of control by introducing its own representatives or its own regulations. In fact the effectiveness of the Swedish Press Council has been a result of more than two hundred-year-old tradition of a constitutionally protected free environment for the press. Both the state and the public in Sweden are aware that the role of the free press was, is and predictably will be crucial for the existing social order – democracy. Since the freedom of the press was granted by the constitution of 1766, the journalists, who run the press, have respected their professional loyalty and integrity and have rarely abused their privileges.

United Kingdom

In United Kingdom, at first a press council was voluntarily constituted as "General Council of the Press"[3] from the first day of July, 1953 with Colonel J. J. Astor as Chairman, who resigned in May 1955 because of ill health and was succeeded by Linton Andrews. In his Chairman's foreword to the second annual report of the General Council of the Press, Andrews says: "When in the House of Commons on July 13 it was suggested that the Prime Minister should take steps to establish a Press Council with statutory powers to deal with complaints about the conduct of the Press in an appropriate manner Sir Anthony Eden replied that he found it hard to see how statutory powers could be effectively arranged which would not have some effect on the freedom of the Press, on which he thought Great Britain would be very chary of acting. All the more important then, is the experiment of a voluntary[4] Council, one that we hope and believe is succeeding."[5]

The second annual report of the General Council also commented on a letter of the Earl of Selborne in which it was suggested that the Council should be armed with disciplinary powers analogous to those possessed by the Law Society and the British Medical Association. "The trouble is, however, that conditions are in no respect analogous. There is all the difference in the world between the open, universal profession of journalism and the closed, conformist professions of medicine and the law."[6] From the first day of July 1963, General Council of the Press, became the Press Council.

Until the establishment of the PCC, the constituent bodies had been funding the Press Council in the following proportions: Newspaper Proprietors Association 51%; Newspaper Society 32%; Periodical Publishers Association 6.5%; Scottish Daily Newspaper Society 2.6%; Scottish Newspaper Publishers Association 2%; Guild of British Newspaper Editors 0.8% and National Union of Journalists 1.2% (25). Except for the exclusion of the National Union of Journalists, this proportion has not changed substantially and thus, the newspaper and periodical proprietors still contribute more than 90% of the Commission's expenditure.

As Richard Shannon[7] points out the behaviour of the *Sunday Sport* journalists who contrived access to a hospital ward where the television actor Gordon Kaye, badly injured in an accident, was lying ill, was "a spectacular own goal", occurring as it did while the Calcutt Committee was deliberating on the future of press freedom. With incidents of that kind, " the 1980s were identified as the pits of British popular journalism", thus rendering inevitable the replacement of the Press Council with something stronger. Whether the replacement would have to be strengthened, legal protection against the press was a real issue in the late 1980s and early 1990s. Within as well as outside Parliament, there were many advocates of a privacy law. Others supported the enactment of a right to reply law, and a third possibility lay in making the regulatory body statutory and giving it stronger sanctions such as the power to fine offending newspapers or journalists. Against this background, the Press Complaints Commission[8] began life with its back against the wall, and its very survival in doubt.

When Sir David Calcutt QC, in his review of press regulation two years after the Commission had been established, was savagely critical of the reporting of the marital troubles of Prince Charles and Princess Diana, he failed to take due account of the Commission's difficulties when newspapers had either been reporting the truth or had been publishing what reached them from sources close to the parties, and his conclusions appeared draconian. Lord Wakeham[9] in his introduction, as chairman, to a booklet covering first decade of PCC says, "Ten years ago, when the Commission was established in break neck speed by the newspaper and magazine publishing industry, a Damoclean Sword - in the shape of the Calcutt Report, a privacy law and statutory controls - dangled menacingly over our free press. The challenge for the industry and the newly established PCC was to show that self regulation could be made to work, and that standards of reporting (which had declined rapidly in the 1980s) could be improved. The industry, famously, was drinking in the last chance saloon. And it had just this one last chance to show that it could put its house in order."

The Press Complaints Commission began work on 1st January 1991. Its establishment followed the publication of the Report of the Calcutt Committee in June 1990, that had recommended the setting up of such a Commission in place of the Press Council, which it regarded as "ineffective as an adjudicating body". The new Commission - under the founding Chairmanship of Lord McGregor of Durris[10] - was given eighteen months to demonstrate that "non statutory self regulation can be made to work effectively." Calcutt had, in effect, handed the press the responsibility for its own fate.

The central planks of the self regulatory system—an independent Board of Finance to fund its activities, a Code Committee to produce and keep up to date a Code of Practice, and the Commission itself —were formed at a very great speed. Crucial to the work of the Commission was, inevitably, the Code. By the start of 1991, a committee of national and regional editors under Patsy Chapman, then editor of The News of the World, had produced a sixteen clause Code of Practice for the Commission to uphold. All publishers and editors committed themselves publicly to their own Code and to ensuring secure and adequate funding of the Commission to uphold it. The Commission itself was established on the lines suggested in the Calcutt Report - and consisted of national, regional and periodical editors alongside a group of lay members. The first meeting of the new Commission took place on 30th January, and swiftly established procedures for the speedy resolution of complaints.

The PCC received its first high profile complaint, from a member of the Royal Family, when The Duke of York complained about a number of matters relating to his children. The complaint was upheld.

Another very public test for the Commission came with a complaint from Labour MP Clare Short about articles concerning her private life. In its first landmark adjudication, the PCC ruled that public figures were entitled to the same protection for their private lives as other individuals, unless there was some justification of public interest for intruding into it. In this case, there had been none and the complaint was upheld. The newspaper concerned published the adjudication in full and with substantial prominence over an entire page.

In January 1993, Sir David Calcutt reported on his single-handed review of the first eighteen months of the new system of self regulation. He proposed the establishment of a statutory press Complaints Tribunal with draconian powers. In March, a House of Commons Select Committee recommended the creation of a statutory Press Commission overseen by an Ombudsman with enforceable legal sanctions. Later in the year, Clive Soley MP introduced a Private Member's Bill seeking to establish a statutory Press Complaints Authority. Only in July 1995 the Government signalled that it was not going to implement the draconian measures proposed in the Second Calcutt Report and was content that self-regulation was working.

With substantial and tough changes to the Code implemented on 1st January 1998, the PCC and the industry were able to move to deal with the legislative threats they faced. In debates on the Human Rights and Data Protection Bills, Lord Wakeham made clear that self regulation was working extremely well - both in serving members of the public with a grievance about the press, and in protecting the vulnerable. New legislation would threaten that. The Government listened to those concerns and acted to amend both Bills.

The Chairman of PCC, Sir Christopher Meyer, in a statement on Culture, Media and Sport Select Committee Report (16 June 2003) welcomeed the fact that the Select Committee recognises that "overall standards of press behaviour, the Code and the performance of the PCC have improved over the last decade" (p.3). He said, "The PCC is not perfect. But it works better through "self-regulation plus" – a Commission in which tough-minded lay members outnumber editors – than any alternative on offer. It has been constantly improved over the years. Permanent evolution is one of its strengths. I have already set out in May an 8-point plan to increase independence, transparency, visibility and accountability. I welcome the fact that the Select Committee has endorsed this approach in its recommendations."

The fact is that the PCC is constantly evolving, the Code of Practice has been strengthened over 30 times since it was established, over 16 changes to the PCC's procedures to make it more accessible to citizens have taken place since 1996 alone. Sir Christopher Meyer has recently outlined eight areas in which the PCC will be strengthened in coming months – including transparency, accountability and independence.[11]

Australia

The Australian Press Council is the self-regulatory body of the print media. It was established on 22 July 1976 after a discussion between publishers and the Australian Journalists Association (AJA) with two main aims: to help preserve the traditional freedom of the press within Australia and ensure that the free press acts responsibly and ethically. The newspaper and magazine industries fund it and its authority rests on the willingness of publishers and editors to respect the Council's views, to adhere voluntarily to ethical standards and to admit mistakes publicly. The Council consists of 21 members representing the publishers, journalists and members of the public, and is chaired by an independent Chairman. It meets monthly, usually in Sydney, where it maintains a small office, headed by the Executive Secretary. The first Chairman was Sir Frank Kitto, a retired Justice of the High Court of Australia. Until the appointment of the current Chair, Professor Ken McKinnon, an educationist, Kitto's successors were also people with a legal background, either retired judges or Professors of Law.

John Fairfax Ltd was not originally a party to the Council, finally joining in 1982. News Ltd withdrew from the Council in June 1980, and rejoined in 1987. (Its publications continued to co-operate with the Council in that period.) Similarly, the Australian Suburban Newspapers Association Pty Ltd has joined and left the Council on a couple of occasions, most recently leaving in 1996 and rejoining in 1998. The AJA (now part of the Media Entertainment and Art Alliance) withdrew from the Council in 1987. The objects of the Australian Press Council are to promote freedom of speech through responsible and independent print media, and adherence to high journalistic and editorial standards, by:

1. Considering and dealing with complaints and concerns about material in newspapers, magazines and journals, published either in print or on the Internet;

2. Encouraging and supporting initiatives by the print media to address the causes for readers' complaints and concerns;
3. Keeping under review, and where appropriate, challenging political, legislative, commercial or other developments which may adversely affect the dissemination of information of public interest, and may consequently threaten the public's right to know;
4. Making representations to governments, public inquiries and other forums as appropriate on matters concerning freedom of speech and access to information;
5. Undertaking research and consultation on developments in public policy affecting freedom of speech, and promoting public awareness of such issues.

In 1992, the Australian Press Council became a founder member of the World Association of Press Councils and acted as its Convenor/Depository Council. In May 2000, the Council withdrew from the association.

Germany

In 1952, the Federal Ministry of the Interior in West Germany drew up a draft of a Federal Law of the Press which embraced the establishment of the instance of self-control in the form of a corporation under civil law. This draft met with the massive opposition of the associations of journalists and publishers because of its proximity to establishing state control of the press and, as a result, did not come into existence. Following the principles of the British Press Council, which had already been established in 1953, the associations of journalists and publishers founded the German Press Council on 20 November 1956.

The Publishing Principles of the German Press Council specify the professional ethics of the press. These professional ethics imply the obligation of guaranteeing the prestige of the press within the margins of the constitution and the constitutional laws and the responsibility for the freedom of the press.

The German Press Council is a registered association according to the Civil Code and therefore, a juridical person of private law. Its structure and duties are regulated by its statutes of 25 February

1985. According to these statutes, the 'Association of Supporters of the German Press Council' is an amalgamation of the associations of publishers and journalists (Federal Association of German Newspaper Publishers, Federal Association of German Magazine Publishers, German Association of Journalists and the Industrial Union of Media, Printing and Paper, Journalism and Art) whose aim is to defend the freedom of the press in the German public and to safeguard the prestige of the German press in general. The general meeting consists of two representatives of each of the four supporting associations. The general meeting mainly deals with the legal, financial and staff-political decisions of the German Press Council.

As an expert committee, the Association of Supporters runs both the plenum of the German Press Council, which constitutes the actual 'Press Council', and the Complaints Committee, consisting of 10 elected members of the plenum of all together 20 members. All the committees of the German Press Council consist of publishers and journalists who are appointed on equal representation by proposal of the four supporting associations as honorary members for a two-year term of office. Every year, the chairmanship of the committees alternates in turns among the four supporting associations.

According to Section 9 of its statutes, the German Press Council has to perform the following tasks:

1. detecting any sort of abuse in publishing and working towards its elimination;
2. defending the unhindered access to the informational sources;
3. giving recommendations and providing guidelines for the everyday publishing work;
4. taking steps against developments, which could harm or restrict free information or the formation of opinion of citizens, and
5. examining and ruling on complaints about individual newspapers, magazines or press agencies.

Conforming with its duties, the German Press Council issues recommendations and guidelines for the everyday publishing work. It is at this point that both the Publishing Principles -Press Code and the guidelines for publishing should be referred to. Since its founding in 1956, the German Press Council has - step by step - developed a catalogue of guidelines which is meant to serve the editing staff and the publishers alike as a manual or broad outline for their everyday work. The question about whether a new guideline ought to be issued for a concrete problem is often solved in the course of the complaint procedure.

Anybody can ask the Press Council for help - free of charge. Every year, between 400 and 500 citizens, associations, institutions and the like consult the German Press Council in written form, either asking for advice or lodging a complaint. About two thirds of all complaints can be dealt with in the run-up without any formal ruling by the complaints committee. In the majority of all cases, the office of the German Press Council manages to negotiate successfully between the involved parties. If a complaint is justified, the complaints committee of the German Press Council issues either a notice for the editing staff, a disapproval or - in case of a severe violation of the publishing principles - a public reprimand.

United States

In the United States in 1973, when public confidence in the media had sagged under the weight of assaults on the media by the Nixon Administration, a National News Council was formed "to serve the public interest in preserving freedom of communication and advancing accurate and fair reporting of news." It was a place to turn to when people felt that a news story was inaccurate or unfair. It was an independent forum, with objective experts. The National News Council did not have the power to sanction or to punish except through the glare of publicity. But unfortunately, there was too little enthusiasm for it among working journalists, so it didn't garner much publicity, and it lasted for only ten limping years. Some major news organizations, including CBS supported the Council. But, it didn't get much help from a whole lot of news organizations and so it slowly withered and died. The history of the National News Council's creation and demise demonstrates that there are well-grounded rationales in social vision between those who supported the concept of the NNC and those who believe its establishment was ill-founded. The root of the NNC controversy lies in the differences between Madison and Jefferson's perspectives on the place of information in society. Madison and Jefferson's view on press freedom and responsibility may be as important to the debate about the NNC's status as the more frequently cited pragmatic considerations such as the Councils infrastructure or management.[12]

Mike Wallas blames mainly A M. Rosenthal of New York Times and broadcaster Walter Cronkite who claimed it was superfluous at best, and worse, that it would somehow shackle a free press. The National News Council, which died in 1983, was set up not to send anybody to jail, not to fine anybody, not to collect dues or hand out certificates of qualification, not to do any of that but rather to act as a kind of jury of our peers - composed of broadcasters, print people, academics - to receive complaints, to look into them, and, if warranted, to publicize what amounts to journalistic malpractice.[13]

On 8 December 1996 Mike Wallace declared, "I believe there should be a national news council, though many of my colleagues disagree with me." Walter Cronkite, an opponent of the old council who now says a new one might be worth looking into, though he remains very wary, and A.M. Rosenthal, now *a New York Times* columnist, who adamantly opposed the council as executive editor of the paper and still has no use for the idea. Nor does the *Time*'s current executive editor,[14] Joseph Lelyveld.[15] All of us journalists are perfectly willing to call attention to profligate politicians, priests and potentates, but we show little enthusiasm when similar attention is focused on us, says Wallace.[16]

Though a National News Council does not exist in the US, there are such Councils in some States. The oldest one is the Minnesota News Council, which began holding public hearings on complaints in 1971 and has issued determinations in over 100 cases, upholding half of them. The Minnesota News Council is supported by news media in Minnesota, corporations, associations and foundations and individuals. The News Council does not accept any government funding. An overwhelming majority of Minnesota news outlets participate willingly in its process, and they and their trade associations contribute about 20 percent of the

$220,000 annual budget. More than 65 non-media companies support the News Council, many of them through a public relations or marketing budget. Corporations contribute about 40 percent of the budget, foundations 30 percent and individuals 10 percent.

The mission of the Minnesota News Council is to promote fair, vigorous and trusted journalism by creating a forum where the public and the news media can engage each other in examining standards of fairness. The first step in the complaint-handling process is to help a complainant connect with the right manager at a news outlet to see if they can settle their differences and avoid a hearing. They may meet, talk by phone, or correspond. A news outlet may satisfy a complainant in a number of ways: by apologizing and running a correction or a retraction; by publishing another article amplifying the first to include the complainant's point of view; by running a letter to the editor or a commentary piece written by the complainant. If the media outlet refuses to take an action to satisfy the complainant, or the complainant feels that the action taken was inadequate, and the complainant can choose to bring the complaint to a public hearing (after the complaint waives the right to sue on the issue) or participate in professional mediation.[17] The news outlet may decline to attend, but the hearing will proceed anyway. No-shows have been rare. The Council asks for a written response, whether the outlet comes or not; in only a few cases has an outlet not responded at all. The fact that an outlet does not come does not prejudice the Council against it; it may still prevail on the merits.

At a hearing, Council Members—12 from the media, 12 from the public at large and one chairperson - listen to the complainant and a representative of the news outlet and then discuss the merits in an open setting, with the public and the media invited to attend. They then vote to uphold or deny a complaint, in whole or in part, and the staff prepares a news release for all media the same day. The news outlet involved in the complaint is particularly encouraged to report the determination. Media members of the Council do not represent the outlets they work for; they participate as independent professionals. If a media member's own organization is the subject of a complaint, the member excuses himself or herself from the proceeding. Lawyers may not speak at hearings.

"The News Council has no authority - and wants none - to order any news organization to do, or not to do, anything. We exist to help the public and the media create a moral force for fairness. People who come to us with complaints are not interested in recovering money damages (if they were, they would sue); they are interested in vindication. To qualify for a hearing one must waive the right to sue. The whole idea that people can have a say about media behavior strikes many as foreign; many are intimidated by the authority they feel the media have. A news council has a lot of educating to do, not only about journalistic standards, but about the vital role citizens can and must play in holding the media accountable."[18]

The Minnesota News Council is the oldest, but in several other states of the US such councils have come up, more or less on the same model, particularly to avoid costly litigation. The Washington News Council exists, "to help maintain public trust and confidence in the news media by promoting fairness, accuracy and balance, and by creating a forum where the public and the news media can engage each other in examining standards of journalistic fairness."[19]

It describes itself as: "an independent, non-profit, statewide organization whose members share a common belief that fair, accurate and balanced news media are vital to our democracy. We have been called an "Outside Ombudsman" or even "Better Business Bureau" for the news media in Washington State. We believe that a free press helps keep America strong, but with First Amendment rights come great responsibilities. We hold the news media publicly accountable for their performance, just as the media hold other institutions in our society publicly accountable. We also encourage open public dialogue among citizens and journalists regarding news media standards and ethics".

How does it operate? If readers, viewers or listeners feel personally damaged by stories that have been written or broadcast about them (or their organization), they may file a formal complaint with the Council. Complaints must address serious questions of journalistic fairness, accuracy or balance. The Council process is an alternative to litigation. Complainants must agree not to sue the media outlet for libel or other damages. We first urge complainants to seek a resolution with the media outlet — a correction, clarification, letter to the editor, op-ed piece, or a meeting with reporters, editors or managers. If no resolution is possible, the Council may convene a formal complaint hearing, where both sides are invited to make their case in an open public setting. Council members vote on whether to uphold the complaint and publicize their decision to media statewide, which are also urged to cover the proceeding. Complaint hearings are videotaped and copies are available to the press and public.

News Ombudsman

Another self–regulatory system, which is prevalent in US, is ombudsman for individual media outfit. The first newspaper ombudsman in the US was appointed in June 1967, in Louisville, Kentucky, to act for readers of *The Courier-Journal* and *The Louisville Times*. The Canadian appointment at *The Toronto Star* was in 1972. The general concept stems from a "Bureau of Accuracy and Fair Play" established in 1913 at *The New York World.*[20] Nine years later *The Asahi Shimbun* in Tokyo established a committee to receive and investigate reader complaints. It was modeled after the World's bureau. Another mass circulation Tokyo paper, *The Yomiuri Shimbun,* set up a staff committee in 1938 to monitor the paper's quality. In 1951 this group became a 28-member ombudsmen committee which today hears reader complaints about the paper and which meets daily with editors.

Japanese committees to "improve the quality of our newspaper," an announcement that appeared in *the Asahi Shimbun* newspaper of 1922. In 1922, *Asahi* published a story saying that it was forming a committee to deal with a growing problem. Newspapers, pressed for time on deadlines, were making mistakes. Usually the paper would later apologize for the errors, but a lot of people were concerned. The newspaper feared that the newspaper and ordinary people couldn't cooperate. The ombudsmen committee would try to prevent that kind of situation by investigating when necessary and apologizing or solving the trouble. It would try to be fair and make everything fair, the paper said.

By 1938, *Yomiuri Shimbun* had to deal with many lawsuits prompted by news stories. It established a committee to "improve the quality of our newspaper." The staff began by comparing each day's editions with competing. Tokyo dailies. Then, in 1951, it invited readers to contact it with complaints or comments. Today the Yomiuri Shimbun has a circulation of several million and a 28-member committee whose members specialize in various types of complaints. The committee meets daily with editors who, by all reports, take the ombudsmen very seriously.[21]

A news ombudsman receives and investigates complaints from newspaper readers or listeners or viewers of radio and television stations about accuracy, fairness, balance and good taste in news coverage. He or she recommends appropriate remedies or responses to correct or clarify news reports.

Organization of News Ombudsmen (ONO) was founded in 1980. This organization includes approximately 100 experienced journalists from around the world. ONO members are news ombudsmen, reader representatives and public editors, as well as academic specialists in journalism ethics and standards. ONO says on its web-site, "We have members and associates from 17 nations and a wide variety of news organizations. About half the members are from North America. International members — both broadcast and newspaper — represent the fastest growing segment of membership."[22]

No two ombudsmen work exactly alike. But typically, they monitor news and feature columns, photography and other graphic materials for fairness, accuracy and balance. They bring substandard items to the attention of the appropriate members of the news staff. They investigate and reply to comments and complaints concerning published or broadcast news and feature material. They obtain explanations from editors and other staff members for readers, viewers or listeners. Some supervise the preparation of corrections.

Others write internal newsletters about readers' views and complaints. Many news ombudsmen write regular columns that deal with issues of broad public interest, or with specific grievances. Where appropriate, columns may criticize, explain or praise. Other ombudsmen initiate or coordinate public forums or reader advisory boards in an effort to connect more closely with readers. Many speak before various public and private groups to help explain media practices. Some send accuracy questionnaires to persons whose names have appeared in news stories and ask for comments. In some smaller news organizations ombudsmen find it necessary to assume other news-related duties.

But in any event, news ombudsmen generally function in an advisory capacity only, not as disciplinarians. Most ombudsmen are selected from within the senior staff of the newspaper or broadcaster they monitor. A few are on fixed-term, non-cancelable contracts. In any case, they typically have deep experience in journalism and are chosen also because they have the ability to relate easily to readers. Some newspapers use titles such as "readers' representative," "readers' advocate," or "public editor." Others have an assistant managing editor or an assistant to a senior editor act as an ombudsman.

Ian Mayes, the readers' editor of the *Guardian*, wrote (April 28, 2001) after attending the Paris Conference of ONO, "Not every news organisation has an ombudsman. The New York Times, a most rigorous corrector of itself, does not. I have grown more rather than less convinced in the past three and a half years that it is a good idea to have one. I also believe that, if possible, the ombudsman should be placed in a position of declared and protected independence with a visible presence in his or her paper or broadcasting organisation. Newspapers, by admitting fallibility, increase trust."[23]

The Washington Post, the *Chicago Tribune*, *The Sacramento Bee*, *The Oregonian* many others have ombudsmen, but *The New York Times* editors thought they did not need one until Jayson Blair, a 27-year-old reporter was found to have effectively committed journalistic fraud, including plagiarism and the invention of quotations, in at least three-dozen articles from October 2002 until late April 2003. Howell Raines, the newspaper's executive editor, and Gerald M. Boyd, the managing editor stepped down on 5 June 2003. A committee that looked into the Jayson Blair affair had among others three outside experts Louis D. Boccardi, former president and chief executive of The Associated Press; Joann Byrd, a former editorial page editor of *The Seattle Post-Intelligencer*; and Roger Wilkins, professor of history and American culture at George Mason University and a former *Times* columnist - criticized sharply the newsroom's culture and management. "Behind the Blair story," they wrote, "lay a misguided pattern of tough supervision and lenient forgiveness that led to retaining him, and in fact promoting him, when at several points he was demonstrating that he was not yet ready to join the staff of *The New York Times*." Indeed, less than a year after receiving "a particularly negative evaluation," the outside journalists found that Blair was given a merit raise while covering the Washington-area sniper case. On his first day as executive editor, Bill Keller wrote in a memorandum to the staff that he would soon hire a public editor, or ombudsman, who would "have license to write about issues of our coverage, and to have those independent, uncensored commentaries published in our pages."[24] Daniel Okrent, a former editor of *Life* magazine and of Time Inc.'s new media operations, filled the position — officially called "public editor" — for an 18-month term beginning December 2003.[25]

Like ONO, Press Councils have also organised into associations. The World Association of Press Councils (WAPC) was formed in 1992, following several conferences of press councils and similar bodies in the previous decade. The Australian Press Council was one of the five founder members and has acted as the association's Depository Council, offering its administrative support. UK Press Complaints Commission was another fonder member. In the year 2000 both left WAPC protesting against plans to establish some form of global ethical Code. According to PCC, "There was continuing great danger, too, in the plans of the World Association of Press Councils for global regulation. In order to help ward it off, the PCC convened a meeting in London of all the genuinely independent Press Councils in Europe. Over twenty countries attended and agreed to form the Alliance of Independent Press Council of Europe (or AIPCE). The Commission's patience grew thin with the plans of WAPC to establish some form of global regulation. In the spring, the PCC decided to withdraw from WAPC, along with the Australian Press Council. WAPC quickly shelved its plans."[26]

Australian Press Council made announcement to leave WAPC in May 2000. "The WAPC now has about 20 members from around the world. Many are councils which are in whole or part dependent on government support or patronage, and some have a direct or indirect role in the control of the press. The Australian Press Council, on the other hand, is a self-regulatory body, working in co-operation with the print media in the promotion of press freedom and press responsibility. The former Chairman of the Australian Press Council, Professor David Flint, who was one of the main figures in the foundation of the WAPC, has stayed in the association in an individual capacity (as an Associate Member of the WAPC). He remains the Chairman of the association's Executive Council. His continuing role within the association is independent of his previous connection with the Press Council. The association has largely been involved in the organisation of international conferences but, in the Press Council's view, has paid insufficient attention to fostering press freedom and independent press councils in developing countries and in emerging democracies."[27]

The Alliance of Independent Press Councils of Europe (AIPCE) is a loose-knit group, in which participants believe in the application of self regulation, independent of government, at a local or regional level and based on nations' differing cultures. "The Alliance was formed so that colleagues throughout Europe can co-operate with each other through the exchange of views and information on a regular basis, but without the need for formal bureaucracy. Colleagues will aim to meet each year to discuss matters of mutual interest."[28]

Participating countries agree that the writing of codes of journalistic ethics and their administration is the business of journalists and publishers, who take into account public feelings, and not the business of governments. They also agree that it is not possible to operate a universal code of ethics, and are opposed to the imposition of supra national codes and regulatory organisations, either at the European or global level.[29] Those participating in the Alliance will help to promote and support as much self-regulation as possible, in as many places as possible, so that local solutions can be provided to meet local needs.

Notes and References

[1] UNESCO (1980) Many Voices One World from Chapter on Norms of Professional Conduct.

[2] An ombudsman is someone who handles complaints and attempts to find mutually satisfactory solutions. Ombudsmen can be found in government, corporations, hospitals, universities and other institutions. The first ombudsman was appointed in 1809 in Sweden to handle citizens' complaints about the government.

[3] The second annual report of the General Council of the Press gives its address as 1 Bell Yard, Fleet Street, London, W.C.2

[4]. Articles of Constitution of the General Council of the Press were approved by the Newspaper Proprietors Association, the Newspaper Society , the Scottish Daily Newspaper Society, the Scottish Newspaper Proprietors Association, the Institute of Journalists, the National Union of Journalists, and the Guild of British Newspaper Editors. (The second annual report of the General Council of the Press, page 50).

[5] The second annual report of the General Council of the Press, page 1.

[6] The second annual report of the General Council of the Press, page 11.

[7] Shannon, Richard (2001) *A Press Free and Responsible*, John Murray, London.

[8] Until the establishment of the PCC, the constituent bodies had been funding the Press Council in the following proportions: Newspaper Proprietors Association 51%; Newspaper Society 32%; Periodical Publishers Association 6.5%; Scottish Daily Newspaper Society 2.6%; Scottish Newspaper Publishers Association 2%; Guild of British Newspaper Editors 0.8% and National Union of Journalists 1.2% (25). Except for the exclusion of the National Union of Journalists, this proportion has not changed substantially and thus, the newspaper and periodical proprietors still contribute more than 90% of the Commission's expenditure.

[9] Successor to Lord McGregor, the First Chairman. He had been Leader of the House of Lords, former Government Chief Whip, Leader of the House of Commons and Secretary of State for Energy.

[10] In 1994, when his support amongst the Commissioners and their paymasters in the Newspaper Publishers Association and the Newspaper Society fell away, Lord McGregor was persuaded to resign before the end of his extended term.

[11] Information as per PCC web-site as on 28 July 2003.

[12] Logan, Robert A (1985) Jefferson's and Madison's Legacy: The Death of the National News Council *Journal of Mass Media Ethics* Vol., 1 No.1

[13] Wallace, Mike (1995) Why My Mind Has Changed about the Value of a National News Council *Newsworthy*, 1995.

[14] This newspaper took a position on it the last time this idea came around just under a quarter of a century ago, and that was we weren't going to play. We think it would compromise our independence. We have a deep

concern that voluntary regulation can lead, bit by bit, to more serious kinds of regulation, and while we're very interested in the whole subject of the standards of the press and do our damnedest to uphold the standards that this paper has always had, we think that's our job and we don't want to be monitored by a lot of self-appointed people.

[15] Jenkins, Evan (1997) News Councils the Case for - and Against *Columbia Journalism Review*, March/April 1997.

[16] "There seems to be a genuine anger towards the press that I have not seen previously. There was Disney, which was about to take over ABC, and probably did not want to buy a big lawsuit. There was Westinghouse that was about to take us [CBS] over and did not want to buy a big lawsuit."

[17] Mediation is an informal process for resolving disputes. It emphasizes direct dialogue and creative solutions. A specially trained and experienced mediator facilitates the discussion but doesn't take sides. The mediator has no authority to make a decision or to force participants to make any agreement or to compromise. Any resolution that occurs comes from the voluntary agreement of the parties.

[18] The Minnesota News Council web-site. This interesting web-site also has arguments against news councils and its reaction to them: Arguments against a news council:

1. "Unconstitutional burden on the free press." Rubbish. Our First Amendment instructs government to keep its hands off the press. It says nothing about peer review.
2. "You're not qualified to judge our ethics." The fundamental principles of good journalism are few and can be understood and transmitted. They are the same principles that relate to fair dealing in our society: be as truthful as you can, tell the whole truth, be fair, avoid conflict of interest. I have never heard a complaint that is too complex for a non-journalist to grasp.
3. "You have no power, no authority." We have learned that the power of public opinion– which the media freely and properly applies to the public – is a surprisingly effective sanction when applied to the media itself.
4. "It could devolve into a media-bashing organization." Yes, it could, if the news organizations neglected it.

[19] This aim is mentioned at the top of the home page of the Washington News Council.

[20] Raymond, Linda (1999) We were wrong *The Courier-Journal thought it was creating the first news ombudsman in 1967. In fact, the Japanese invented the idea in 1922.* Forum,*The Courier-Journal*, September 5, 1999. In this Linda Raymond claims that she checked the microfilms of the *The New York World* for the period did not find any evidence to support this. She gives credit to the Japanese as the *New York World* does not exist now.

[21] Maezawa, Takashi (2000) The controversy over the origins and functions of Ombudsmanship *Communication Science* No. 11, Vol. 5 Keizai University Tokyo.

[22] As on 31 July 2003.

[23] Mayes, Ian (2001) Ono? Oh, yes The readers' editor on the benefits of an ombudsman (or woman) *The Guardian* April 28, 2001

[24] A report by Jacques Steinberg, in the *New York Times*, "The Times opts for an ombudsman to help repair credibility", reproduced in *International Herald Tribune*, 31 July 2003.

[25] N.Y. Times Names Its First Ombudsman (AP, 27 October 2003).

[26] R. Gunasingam, Secretary General, WAPC says in an e-mail dated 6 September 2003 that UK Press Complaints Commission, right from the beginning since 1985 was very active in WAPC global initiatives. It was part of the Group Statutory and Non –Statutory Press Councils in 1992 to formally sign legal documents for the formal establishment of WAPC. Lord McGregor, Chairman of UK-PCC was elected as the First President of WAPC. When Lord Wakeham took over from Lord McGregor as Chairman of UK – PCC, it is noted that Lord Wakeham also expected to succeed as President of WAPC. The members of WAPC strongly felt that it is not possible to follow Commonwealth tradition and the position of President WAPC must go on rotation – elected among senior members. This was the only reason for UK – PCC to resign and initiate Informal Grouping of European Press Councils.

[27] General Press Release No. 240 (May 2000).

[28] AIPCE web-site, July 2003.

[29] This was the point of difference, which broke WAPC.

Codes and Canons of Journalism

Claude-Jean Bertrand has analysed several dozen codes to determine the building blocks in existing media codes of ethics. It appears that for those who have drafted these codes the responsibility of journalists are first to the public – and secondarily to publishers, advertisers, sources, share-holders. A major purpose of the codes is to maintain the trust of the public in its role of purveyors of information. Many rules in the codes can be exceptionally broken if the public interest requires it.[1]

United States

Let us begin from USA, the country where codes of conducts of various professions developed first, in the early part of the last century, as part of the process of establishment of professions. It is interesting to note that major codes adopted by news media in recent years show marked similarities to the statement of purpose found in the first (and only) issue of Benjamin Harris' "*Public Occurrences Both Foreign and Domestic*," published in Boston in 1690. If one compared this 1690 statement with modern codes like The Associated Press Managing Editors Association "Code of Ethics for Newspapers and Their Staffs," the American Society of Newspaper Editors 1923 Canons of Journalism and 1975 Statement of Principles: the Society of Professional Journalists, Sigma Delta Chi Code of Ethics - recurring themes include an emphasis on gathering and reporting news with accuracy, objectivity, truthfulness, and completeness. In addition, Harris led the way with his promises to correct errors as they occur and to allay false rumors and replace them with substantive information.[2]

Casey Bukro, the author of the Society of Professional Journalists, Sigma Delta Chi's Code of Ethics points out that codes are double-edged swords that demand accountability and at the same time they attempt to instill the public with some confidence in journalism. A primary concern over the 1973 SPJ-SDX Code is its concluding clause asking SPJ members to censure wrongdoers in the profession. These "teeth" have never been effectively utilized. Journalists are uncomfortable with calling attention to the sins of fellow professionals, and are concerned about due process. Recent efforts to establish enforcement procedures have been futile, garnering little support from SPJ leaders or the rank and file.[3]

Whatever value codes of ethics may hold for the mass media, they represent serious difficulties in inculcating substantial ethical values in individual journalists and in the profession as a whole. Evidence from developmental psychology suggests that codes are probably of some limited value to the neophyte working in the media. Codes also help assure non-journalists that the industry really is concerned about ethics. However, codes probably should be relegated to a framed wall hanging for any journalists who have advanced beyond their internships. Confusion reigns because codes are often founded on moralistic rather than moral-philosophical bases, and there is a blurring between general precepts and specific practices covered in codes. As individual professionals mature intellectually and ethically, they should transcend socially-approved conventions codified by "regulators," and begin to become social catalysts in their own rights.[4]

The longstanding debates over how to enforce codes of ethics reflect a serious flaw in understanding the nature of "accountability." Fuzziness over that basic notion has allowed the quantity of codes to expand, without any improvement in their quality or in media behavior. We repeat the same arguments today that moralistic journalists did in the 1920s, because we lack intellectual precision over such issues as internal vis-a-vis external controls, ethics vis-a-vis First Amendment freedoms, and different forms and degrees of accountability to government, to fellow professionals, and to the general public. Self-imposed media codes—with enforcement provisions—and through analysis of social ethics are recommended by some.[5]

Codes necessarily state standards of professional practice, but the term "standards" is itself ambiguous. "Standards of professional practice" can mean anything from minimal expectations for all practitioners to the perceived ideal for which practitioners should strive. Carefully articulated codes of ethics should recognize the differences between minimal standards and standards as ideal. They should also articulate group norms—largely unstated expectations of how all people within the group should do or perform. The process of producing a code of ethics is intellectually healthy because it constitutes analysis of the profession by its practitioners.[6]

Objectivity is the underlying ethic of news reporting . A content analysis of the general news reports in six selected U.S. daily newspapers found that objectivity was not widely practiced in 1865-1874, was common in 1905-1914, and normative by 1925-1934. Incidence of objective reporting was evidently not influenced by the introduction of the telegraph and wire services, and there is also no apparent difference between news reports of New York City newspapers and those of other cities.[7]

ASNE Canons

Most significant among journalists' organizations is the American Society of Newspaper Editors (ASNE). It has now Statement of Principles originally adopted in 1922 as the "Canons of Journalism." The document was revised and renamed "Statement of Principles" in 1975:

Preamble. The First Amendment, protecting freedom of expression from abridgment by any law, guarantees to the people through their press a constitutional right, and thereby places on newspaper people a particular responsibility. Thus journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation. To this end the American Society of Newspaper Editors sets forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

Article I - Responsibility. The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgements on the issues of the time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust. The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

Article II - Freedom of the Press. Freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private. Journalists must be constantly alert to see that the public's business is conducted in public. They must be vigilant against all who would exploit the press for selfish purposes.

Article III - Independence. Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.

Article IV - Truth and Accuracy. Good faith with the reader is the foundation of good journalism. Every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly. Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports. Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently

Article V - Impartiality. To be impartial does not require the press to be unquestioning or to refrain from editorial expression. Sound practice, however, demands a clear distinction for the reader between news reports and opinion. Articles that contain opinion or personal interpretation should be clearly identified.

Article VI - Fair Play. Journalists should respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their news reports. Persons publicly accused should be given the earliest opportunity to respond. Pledges of confidentiality to news sources must be honored at all costs, and therefore should not be given lightly. Unless there is clear and pressing need to maintain confidences, sources of information should be identified.

These principles are intended to preserve, protect and strengthen the bond of trust and respect between American journalists and the American people, a bond that is essential to sustain the grant of freedom entrusted to both by the nation's founders.

SPJ-SDX Code of Ethics

In 1973, the Society of Professional Journalists Sigma Delta Chi wrote its own code, which was revised in 1984 and 1987. Here is the version of the Society of Professional Journalists' Code of Ethics adopted in September 1996.

Preamble

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society's principles and standards of practice.

Seek Truth and Report It

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information

Journalists should:

Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.

Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.

Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.

Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.

Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.

Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.

Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.

Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.

Never plagiarize.

Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.

Examine their own cultural values and avoid imposing those values on others.

Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.

Support the open exchange of views, even views they find repugnant.

Give voice to the voiceless; official and unofficial sources of information can be equally valid.

Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.

Distinguish news from advertising and shun hybrids that blur the lines between the two.

Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

Minimize Harm

Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect.

Journalists should:

Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.

Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.

Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.

Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.

Show good taste. Avoid pandering to lurid curiosity.

Be cautious about identifying juvenile suspects or victims of sex crimes.

Be judicious about naming criminal suspects before the formal filing of charges.

Balance a criminal suspect's fair trial rights with the public's right to be informed.

Act Independently

Journalists should be free of obligation to any interest other than the public's right to know.

Journalists should:

Avoid conflicts of interest, real or perceived.

Remain free of associations and activities that may compromise integrity or damage credibility.

Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity. Disclose unavoidable conflicts.

Be vigilant and courageous about holding those with power accountable.

Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.

Be wary of sources offering information for favors or money; avoid bidding for news.

Be Accountable

Journalists are accountable to their readers, listeners, viewers and each other.

Journalists should:

Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.

Encourage the public to voice grievances against the news media.

Admit mistakes and correct them promptly.

Expose unethical practices of journalists and the news media.

Abide by the same high standards to which they hold others.

APME Code of Ethics

Another important code of ethics is that of Associated Press Managing Editors Association (APME). This is the version revised and adopted in 1955.

These principles are a model against which news and editorial staff members can measure their performance. They have been formulated in the belief that newspapers and the people who produce them should adhere to the highest standards of ethical and professional conduct.

The public's right to know about matters of importance is paramount. The newspaper has a special responsibility as surrogate of its readers to be a vigilant watchdog of their legitimate public interests.

No statement of principles can prescribe decisions governing every situation. Common sense and good judgement are required in applying ethical principles to newspaper realities. As new technologies evolve, these principles can help guide editors to insure the credibility of the news and information they provide. Individual newspapers are encouraged to augment these APME guidelines more specifically to their own situations.

Responsibility

The good newspaper is fair, accurate, honest, responsible, independent and decent. Truth is its guiding principle.

It avoids practices that would conflict with the ability to report and present news in a fair, accurate and unbiased manner.

The newspaper should serve as a constructive critic of all segments of society. It should reasonably reflect, in staffing and coverage, its diverse constituencies. It should vigorously expose wrongdoing, duplicity or misuse of power, public or private. Editorially, it should advocate needed reform and innovation in the public interest. News sources should be disclosed unless there is a clear reason not to do so. When it is necessary to protect the confidentiality of a source, the reason should be explained.

The newspaper should uphold the right of free speech and freedom of the press and should respect the individual's right to privacy. The newspaper should fight vigorously for public access to news of government through open meetings and records.

Accuracy

The newspaper should guard against inaccuracies, carelessness, bias or distortion through emphasis, omission or technological manipulation.

It should acknowledge substantive errors and correct them promptly and prominently.

Integrity

The newspaper should strive for impartial treatment of issues and dispassionate handling of controversial subjects. It should provide a forum for the exchange of comment and criticism, especially when such comment is opposed to its editorial positions. Editorials and expressions of personal opinion by reporters and editors should be clearly labeled. Advertising should be differentiated from news.

The newspaper should report the news without regard for its own interests, mindful of the need to disclose potential conflicts. It should not give favored news treatment to advertisers or special-interest groups.

It should report matters regarding itself or its personnel with the same vigor and candor as it would of other institutions or individuals. Concern for community, business or personal interests should not cause the newspaper to distort or misrepresent the facts.

The newspaper should deal honestly with readers and newsmakers. It should keep its promises.

The newspaper should not plagiarize words or images.

Independence

The newspaper and its staff should be free of obligations to news sources and newsmakers. Even the appearance of obligation or conflict of interest should be avoided.

Newspapers should accept nothing of value from news sources or others outside the profession. Gifts and free or reduced-rate travel, entertainment, products and lodging should not be accepted. Expenses in connection with news reporting should be paid by the newspaper. Special favors and special treatment for members of the press should be avoided.

Journalists are encouraged to be involved in their communities, to the extent that such activities do not create conflicts of interest. Involvement in politics, demonstrations and social causes that would cause a conflict of interest, or the appearance of such conflict, should be avoided.

Work by staff members for the people or institutions they cover also should be avoided.

Financial investments by staff members or other outside business interests that could create the impression of a conflict of interest should be avoided.

Stories should not be written or edited primarily for the purpose of winning awards and prizes. Self-serving journalism contests and awards that reflect unfavorably on the newspaper or the profession should be avoided.

The Washington Post

Individual papers also have some such public statements. The *Washington Post* Standards and Ethics are as follows:

The *Washington Post* is pledged to an aggressive, responsible and fair pursuit of the truth without fear of any special interest, and with favor to none.

The *Washington Post* reporters and editors are pledged to approach every assignment with the fairness of open minds and without prior judgment. The search for opposing views must be routine. Comment from persons accused or challenged in stories must be included. The motives of those who press their views upon us must routinely be examined, and it must be recognized that those motives can be noble or ignoble, obvious or ulterior.

We fully recognize that the power we have inherited as the dominant morning newspaper in the capital of the free world carries with it special responsibilities:

to listen to the voiceless to avoid any and all acts of arrogance to face the public politely and candidly.

A. Conflict of Interest

This newspaper is pledged to avoid conflict of interest or the appearance of conflict of interest, wherever and whenever possible. We have adopted stringent policies on these issues, conscious that they may be more restrictive than is customary in the world of private business. In particular:

We pay our own way.

We accept no gifts from news sources. We accept no free trips. We neither seek nor accept preferential treatment that might be rendered because of the positions we hold. Exceptions to the no-gift rule are few and obvious – invitations to meals, for example. Free admissions to any event that is not free to the public are prohibited. The only exception is for seats not sold to the public, as in a press box. Whenever possible, arrangements will be made to pay for such seats.

We work for no one except The *Washington Post* without permission from supervisors. Many outside activities and jobs are incompatible with the proper performance of work on an independent newspaper. Connections with government are among the most objectionable. To avoid real or apparent conflicts of interest in the coverage of business and the financial markets, all members of the Business and Financial staff are required to disclose their financial holdings and investments to the assistant managing editor in charge of the section. The potential for conflict, however, is not limited to members of the Business and Financial staff. All reporters and editors, wherever they may work, are required to disclose to their department head any financial interests that might be in conflict or give the appearance of a conflict in their reporting or editing duties. Department heads will make their own financial disclosures to the managing editor.

We freelance for no one and accept no speaking engagements without permission from department heads. Permission to freelance will be granted only if The *Washington Post* has no interest in the story and only if it is to appear in a medium that does not compete with The *Post*. It is important that no freelance assignments and no honoraria be accepted that might in any way be interpreted as disguised gratuities.

We make every reasonable effort to be free of obligation to news sources and to special interests. We must be wary of entanglement with those whose positions render them likely to be subjects of journalistic interest and examination. Our private behavior as well as our professional behavior must not bring discredit to our profession or to The *Post*.

We avoid active involvement in any partisan causes – politics, community affairs, social action, demonstrations – that could compromise or seem to compromise our ability to report and edit fairly. Relatives cannot fairly be made subject to *Post* rules, but it should be recognized that their employment or their involvement in causes can at least appear to compromise our integrity. The business and professional ties of traditional family members or other members of your household must be disclosed to department heads.

B. The Reporter's Role

Although it has become increasingly difficult for this newspaper and for the press generally to do so since Watergate, reporters should make every effort to remain in the audience, to stay off the stage, to report the news, not to make the news.

In gathering news, reporters will not misrepresent their identity. They will not identify themselves as police officers, physicians or anything other than journalists.

C. Errors

This newspaper is pledged to minimize the number of errors we make and to correct those that occur. Accuracy is our goal; candor is our defense. Persons who call errors to our attention must be accorded a respectful hearing. See Chapter 3, "The Role of the Ombudsman."

D. Attribution of Sources

The *Washington Post* is pledged to disclose the source of all information when at all possible. When we agree to protect a source's identity, that identity will not be made known to anyone outside The *Post.*

Before any information is accepted without full attribution, reporters must make every reasonable effort to get it on the record. If that is not possible, reporters should consider seeking the information elsewhere. If that in turn is not possible, reporters should request an on-the-record reason for concealing the source's identity and should include the reason in the story.

In any case, some kind of identification is almost always possible – by department or by position, for example – and should be reported.

No pseudonyms are to be used.

However, The *Washington Post* will not knowingly disclose the identities of U.S. intelligence agents, except under highly unusual circumstances which must be weighed by the senior editors.

E. Plagiarism and Credit

Attribution of material from other newspapers and other media must be total. Plagiarism is one of journalism's unforgivable sins. It is the policy of this newspaper to give credit to other publications that develop exclusive stories worthy of coverage by The *Post.*

F. Fairness

Reporters and editors of The *Post* are committed to fairness. While arguments about objectivity are endless, the concept of fairness is something that editors and reporters can easily understand and pursue. Fairness results from a few simple practices:

No story is fair if it omits facts of major importance or significance. Fairness includes completeness.

No story is fair if it includes essentially irrelevant information at the expense of significant facts. Fairness includes relevance.

No story is fair if it consciously or unconsciously misleads or even deceives the reader. Fairness includes honesty – leveling with the reader.

No story is fair if reporters hide their biases or emotions behind such subtly pejorative words as “refused,” “despite,” “quietly,” “admit” and “massive.” Fairness requires straightforwardness ahead of flashiness.

G. Opinion

On this newspaper, the separation of news columns from the editorial and opposite-editorial pages is solemn and complete. This separation is intended to serve the reader, who is entitled to the facts in the news columns and to opinions on the editorial and “op-ed” pages. But nothing in this separation of functions is intended to eliminate from the news columns honest, in-depth reporting, or analysis or commentary when plainly labeled.

H. The National and Community Interest

The *Washington Post* is vitally concerned with the national interest and with the community interest. We believe these interests are best served by the widest possible dissemination of information. The claim of national interest by a federal official does not automatically equate with the national interest. The claim of community interest by a local official does not automatically equate with the community interest

I. Taste

The *Washington Post* as a newspaper respects taste and decency, understanding that society's concepts of taste and decency are constantly changing. A word offensive to the last generation can be part of the next generation's common vocabulary. But we shall avoid prurience. We shall avoid profanities and obscenities unless their use is so essential to a story of significance that its meaning is lost without them. In no case shall obscenities be used without the approval of the executive editor or the managing editor or his deputy. See Chapter 5, "Using the Language," for guidance on particular words or terms that may be sensitive.

J. The Post's Principles

After Eugene Meyer bought *The Washington Post* in 1933 and began the family ownership that continues today, he published "These Principles":

The first mission of a newspaper is to tell the truth as nearly as the truth may be ascertained.

The newspaper shall tell ALL the truth so far as it can learn it, concerning the important affairs of America and the world.

As a disseminator of the news, the paper shall observe the decencies that are obligatory upon a private gentleman.

What it prints shall be fit reading for the young as well as for the old.

The newspaper's duty is to its readers and to the public at large, and not to the private interests of the owner.

In the pursuit of truth, the newspaper shall be prepared to make sacrifices of its material fortunes, if such course be necessary for the public good. The newspaper shall not be the ally of any special interest, but shall be fair and free and wholesome in its outlook on public affairs and public men.

"These Principles" are re-endorsed herewith. (on 17 February 1999)

The New York Times

The New York Time calls them "Guidelines on Our Integrity":

Reporters, editors, photographers and all members of the news staff of *The New York Times* share a common and essential interest in protecting the integrity of the newspaper. As the news, editorial and business leadership of the newspaper declared jointly in 1998: "Our greatest strength is the authority and reputation of *The Times*. We must do nothing that would undermine or dilute it and everything possible to enhance it."

At a time of growing and even justified public suspicion about the impartiality, accuracy and integrity of some journalists and some journalism, it is imperative that *The Times* and its staff maintain the highest possible standards to insure that we do nothing that might erode readers' faith and confidence in our news columns. This means that staff members should be vigilant in avoiding any activity that might pose an actual or apparent conflict of interest and thus threaten the newspaper's ethical standing. And it also means that the journalism we practice daily must be beyond reproach.

No one needs to be reminded that falsifying any part of a news report cannot be tolerated and will result automatically in disciplinary action up to and including termination. But in a climate of increased scrutiny throughout the news business, these further guidelines are offered, to resolve questions that sometimes arise about specific practices:

Quotations. Readers should be able to assume that every word between quotation marks is what the speaker or writer said. *The Times* does not "clean up" quotations. If a subject's grammar or taste is unsuitable, quotation marks should be removed and the awkward passage paraphrased. Unless the writer has detailed notes or a recording, it is usually wise to paraphrase long comments, since they may turn up worded differently on television or in other publications. "Approximate" quotations can undermine readers' trust in *The Times*.

The writer should, of course, omit extraneous syllables like "um" and may judiciously delete false starts. If any further omission is necessary, close the quotation, insert new attribution and begin another quotation. (*The Times* does adjust spelling, punctuation, capitalization and abbreviations within a quotation for consistent style.) Detailed guidance is in the stylebook entry headed "quotations." In every case, writer and editor must both be satisfied that the intent of the subject has been preserved.

Other People's Reporting. When we use facts gathered by any other organization, we attribute them. This policy applies to material from newspapers, magazines, books and broadcasts, as well as news agencies like The Associated Press (for example, the Senator told "The Associated Press"). In other words, even though The AP is a co-op and we are members, we do not treat its reporting as our own. When writing from a pool report, if we have not witnessed the events, we attribute them to the pool reporter. In a roundup, we may use a phrase like "reports from news agencies and *New York Times* bureaus."

Our preference, when time and distance permit, is to do our own reporting and verify another organization's story; in that case, we need not attribute the facts. But even then, as a matter of courtesy and candor, we credit an exclusive to the organization that first broke the news.

Attribution to another publication, though, cannot serve as license to print rumors that would not meet the test of *The Times's* own reporting standards. Rumors must satisfy *The Times's* standard of newsworthiness, taste and plausibility before publication, even when attributed. And when the need arises to attribute, that is a good cue to consult with the department head about whether publication is warranted at all.

In those cases when it makes a difference whether we directly witnessed a scene, we should distinguish in print between personal interviews and telephone or E-mail interviews, as well as written statements.

Fact Checking. Writers at *The Times* are their own principal fact checkers and often their only ones. (Magazine articles, especially those by non-members of our staff, are fact-checked, but even magazine writers are accountable in the first instance for their own accuracy.) Concrete facts - distances, addresses, phone numbers, people's titles - must be verified by the writer with standard references like telephone books, city or legislative directories and official Web sites. More obscure checks may be referred to the research desk. If deadline pressure requires skipping a check, the editors should be alerted with a flag like "desk, please verify," but ideally the writer should double back for the check after filing;

usually the desk can accommodate a last-minute repair. It is especially important that writers verify the spelling of names, by asking. A person who sees his or her own name misspelled in *The Times* is likely to mistrust whatever else we print. And too often, our correction column makes it clear that someone has guessed a spelling by the sound.

Corrections. Because our voice is loud and far-reaching, *The Times* recognizes an ethical responsibility to correct all its factual errors, large and small. The paper regrets every error, but it applauds the integrity of a writer who volunteers a correction of his or her own published story. Whatever the origin, though, any complaint should be relayed to a responsible supervising editor and investigated quickly. If a correction is warranted, fairness demands that it be published immediately. In case of reasonable doubt or disagreement about the facts, we can acknowledge that a statement was "imprecise" or "incomplete" even if we are not sure it was wrong.

Rebuttals. Few writers need to be reminded that we seek and publish a response from anyone criticized in our pages. But when the criticism is serious, we have a special obligation to describe the scope of the accusation and let the subject respond in detail. No subject should be taken by surprise when the paper appears, or feel that there was no chance to respond.

Anonymity and Its Devices. The use of unidentified sources is reserved for situations in which the newspaper could not otherwise print information it considers newsworthy and reliable. When possible, reporter and editor should discuss any promise of anonymity before it is made, or before the reporting begins on a story that may result in such a commitment. (Some beats, like criminal justice or national security, may carry standing authorization for the reporter to grant anonymity.) The stylebook discusses the forms of attribution for such cases: the general rule is to tell readers as much as we can about the placement and known motivation of the source. While we avoid automatic phrases about a source's having "insisted on anonymity," we should try to state tersely what kind of understanding was actually reached by reporter and source, especially when we can shed light on the source's reasons.

The Times does not dissemble about its sources - does not, for example, refer to a single person as "sources" and does not say "other officials" when quoting someone who has already been cited by name. There can be no prescribed formula for such attribution, but it should be literally truthful, and not coy.

Fictional Devices. No reader should find cause to suspect that the paper would knowingly alter facts. For that reason, *The Times* refrains outright from assigning fictional names, ages, places or dates, and it strictly limits the use of other concealment devices.

If compassion or the unavoidable conditions of reporting require shielding an identity, the preferred solution is to omit the name and explain the omission. (That situation might arise, for example, in an interview conducted inside a hospital or a school governed by privacy rules.) If a complex narrative must distinguish among several shielded identities, it may be necessary to use given names with last initials or, less desirable, given names alone (Hilary K.; Ashley M.; Terry). Descriptions may serve instead (the lawyer; the Morristown psychotherapist). As a rare last resort, if genuine given names would be too revealing, real or coined single initials (Dr. D, Ms. L) may be used after consultation with senior editors. The article must gracefully indicate the device and the reason.

Masquerading. Times reporters do not actively misrepresent their identity to get a story. We may sometimes remain silent on our identity and allow assumptions to be made - to observe an institution's dealings with the public, for example, or the behavior of people at a rally or police officers in a bar near the station house. But a sustained, systematic deception, even a passive one - taking a job, for example, to observe a business from the inside - may be employed only after consultation between a department head and masthead editors. (Obviously, specific exceptions exist for restaurant reviewing and similar assignments.)

Photography and Images. Images in our pages that purport to depict reality must be genuine in every way. No people or objects may be added, rearranged, reversed, distorted or removed from a scene (except for the recognized practice of cropping to omit extraneous outer portions). Adjustments of color or gray scale should be limited to those minimally necessary for clear and accurate reproduction, analogous to the "burning" and "dodging" that formerly took place in darkroom processing of images. Pictures of news situations must not be posed. In the cases of collages, montages, portraits, fashion or home design illustrations, fanciful contrived situations and demonstrations of how a device is used, our intervention should be unmistakable to the reader, and unmistakably free of intent to deceive. Captions and credits should further acknowledge our intervention if the slightest doubt is possible. The design director, a masthead editor or the news desk should be consulted on doubtful cases or proposals for exceptions.

The Dow Jones Code of Conduct

Dow Jones, publisher of the *Wall Street Journal*, published the following code on 16 May 2002:

This code is designed to provide all employees of Dow Jones with guidelines for appropriate professional conduct. It supersedes our long-time Conflicts of Interest Policy and also incorporates other long-standing Dow Jones policies. It is intended not as a statement of new beliefs or a codification of new rules of conduct, but as a reaffirmation of enduring values and practices.

The central premise of this code is that Dow Jones' reputation for quality products and services, for business integrity, and for the independence and integrity of our publications, services and products is the heart and soul of our enterprise. Put another way, it is an essential prerequisite for success in the news and information business that our customers believe us to be telling them the truth. If we are not telling them the truth — or even if they, for any valid reason, believe that we are not — then Dow Jones cannot prosper. The company will suffer, for example, if our customers cannot assume that:

Our facts are accurate and fairly presented;

Our analyses represent our best independent judgements rather than our preferences, or those of our sources, advertisers or information providers;

Our opinions represent only our own editorial philosophies; or

There are no hidden agendas in any of our journalistic undertakings.

All companies profess business integrity. But the impact of our work on the work of others, and on their lives and fortunes, places special responsibilities upon all Dow Jones employees.

The clear implication of these beliefs is that the responsibility for safeguarding and growing a company that lives up to this code lies with each and every one of us. Every Dow Jones employee holds a position of trust. Acceptance of a position at any level or in any part of Dow Jones includes acceptance of individual responsibility to uphold Dow Jones policies governing legal and ethical business practices. It also includes acceptance of individual responsibility for following all legal requirements and ethical business practices, as well as the responsibility to stress proper ethical behaviour among colleagues and subordinates.

Moreover, it must be clear to each of us that business integrity is necessary in every business decision- and that it is not the special province of news employees, or members of the legal department, or anyone else. Business integrity requires that we make all of our business decisions, and approach all business questions, objectively and realistically, and in the long-term best interests of all of our shareholders.

Managers, by virtue of their positions of authority, must be ethical role models for all employees. An important part of a manager's leadership responsibility is to exhibit the highest standards of integrity in all dealings with employees, customers and the world at large. Managers must avoid even implicit or unspoken approval of any actions that may be damaging to the reputation of Dow Jones, and must always exercise sound business judgement in the performance of their duties

An equally important leadership responsibility is to develop employees' commitment to our principles and ability to make sound ethical judgments. Managers must communicate the seriousness of the company's expectations of ethical conduct, as well as their own personal support for these guidelines. Ethical leadership includes fostering a working environment that encourages employees to voice concerns or otherwise seek assistance or counsel if faced with potentially compromising situations, and also supporting those who raise such concerns.

Finally, what follows is not intended to be an exclusive or inclusive list of all laws, regulations and other norms applicable to Dow Jones and with which compliance is expected. In our rapidly evolving businesses, each of us is challenged by a complex environment that often requires quick response under pressure. No written policy can definitively set forth the appropriate action for all business situations. Accordingly, this code emphasizes and clarifies a standard of ethical conduct that must govern all of our business dealings and relationships. In addition, more detailed guidelines for managers are now available for some of the topics covered by this code, and others will be promulgated from time to time; some departments also issue specialized guidelines of their own.

Confidential Information

Any and all information and other material obtained by a Dow Jones employee in connection with his or her employment is strictly the property of Dow Jones. Such information includes not only our own work and that of our colleagues, but also information relating to future activities, including as-yet-unpublished news, information and advertising, as well as schedules for publishing the same. Such material must never be disclosed to anyone outside Dow Jones, including friends and relatives. In no event should any information obtained in connection with Dow Jones employment be disclosed privately to anyone until such information has been made available to the public.

Similarly, the use of Dow Jones property of this sort - i.e. forthcoming news, information or advertising - as a basis for any investment decision is strictly prohibited. No employee with knowledge of any such forthcoming material may, prior to publication, buy or sell securities or in any way encourage or assist any other person in buying or selling securities, directly or indirectly, based on that information. These strictures should continue in force until the third trading day after the article or advertisement appears in a Dow Jones publication or news service.

These rules also apply, of course, to confidential information about our own company. Dow Jones employees may not disclose to others any confidential information belonging to the company, nor may they use such information for their personal benefit or that of others. Each of us who possesses or has access to confidential information has an important responsibility to keep that information confidential and to prevent it from being disclosed to others outside or inside Dow Jones, either purposefully or otherwise. This obligation applies not only during Dow Jones employment, but thereafter as well.

In addition, it is important to take care not to discuss such confidential matters with family members or business or social acquaintances or in places where one can be overheard. Within Dow Jones, confidential business information should be divulged only to other employees who need to know the information in order to carry out their business responsibilities.

Business Relationships and Activities

Just as all of the intellectual fruits of our labours as employees belong to Dow Jones, so the company is entitled to our undivided business loyalty, our single-minded professional attention and our un-distracted focus on our businesses and our customers. Dow Jones employees must not use the company's assets, talents, information, technology, name or influence for their personal benefit or gain except as authorized by and in connection with their employment

We recognize that Dow Jones cannot succeed if our customers do not succeed. It is our obligation to deliver our products and services in as timely a manner as possible, and with the highest possible levels of quality. Business dealings should be open and honest and transactions should be in the best interests of both Dow Jones and the customer.

To ensure this, Dow Jones employees should not offer or provide, to customers or prospective customers, directly or indirectly, any gift, entertainment or reimbursement of expenses of more than nominal value or that exceeds customary courtesies for that time and place. Nor should employees offer or provide, directly or indirectly, any material, equipment or services to any individual in a position to make or influence any business or governmental decision affecting Dow Jones.

Conversely, Dow Jones employees should not solicit or accept, directly or indirectly, any payment, loan, services, equipment or any other benefit or thing of value, or any gift, entertainment or reimbursement of expenses of more than nominal value or that exceeds customary courtesies for that time and place from suppliers or customers, or from any company, individual or institution that furnishes or seeks to furnish news, information, material, equipment, supplies or services to Dow Jones, or from anyone else with an actual or prospective business relationship with Dow Jones.

Dow Jones employees must remain scrupulously free from obligation to suppliers and vendors. Accordingly, employees should not requisition, order, approve or otherwise participate in the purchase of goods or services on behalf of Dow Jones from any person or entity if the employee or any member of the employee's family or household has a substantial financial interest in the supplier or vendor.

Employees of Dow Jones engaged in business outside of the United States must obey the laws of countries in which they do business, and respect local culture and values while operating within the strictures of this code. All applicable trade agreements, including U.S. trade laws, must be honored and observed, including the U.S. Foreign Corrupt Practices Act, which generally makes it illegal to offer or give a bribe to a foreign official or candidate for foreign office, whether directly or through third parties such as consultants or agents.

Dow Jones employees may not serve as directors or officers of any other company devoted to profit-making, with the following exceptions:

Where the employee is appointed to represent Dow Jones;

Companies which are owned by an employee's family, where the employee has obtained the written consent of the chief executive officer of Dow Jones;

Otherwise as approved in writing by the chief executive officer of Dow Jones.

The unauthorized duplication of computer software developed internally or obtained from outside suppliers is prohibited, regardless of whether such unauthorized duplication is for business or personal use. Additionally, all Dow Jones employees must adhere to the company's standards and policies regarding the use of its technology and computer equipment.

Securities Transactions

Dow Jones has always had a strict policy on securities transactions by employees who have access to non-public information, including information concerning Dow Jones itself. All Dow Jones employees are expected to conduct themselves at all times in a manner that leaves no grounds for belief, or even suspicion, that:

An employee, an employee's family, or anyone else connected to an employee made financial gains by acting on the basis of "inside" information obtained through Dow Jones employment before that information was available to the general public; such information includes hold-for-release material or publishing plans with respect to news, advertising or other information, as well as any other items that might affect movements in the prices of any securities;

The creation or dissemination, or non-dissemination, of any news or other information was influenced by a desire to affect the price of any security;

An employee's personal financial situation with respect to investments is such that it creates a temptation to violate these rules; or

An employee is beholden to newsmakers, information providers, advertisers or market participants, creating a temptation to violate these rules.

In making personal investments, all employees must avoid speculation or the appearance of speculation. No employee of Dow Jones may engage in short selling of securities.

In addition, all senior managers and all news and advertising personnel must not engage in short-term trading of equity securities or of non-investment grade fixed-income securities; such employees must hold such securities for a minimum of six months unless, in order to meet some special need, they get prior permission for an earlier sale from the head of the company's legal department. The six-month rule does not apply to publicly-available diversified open end and closed end mutual funds.

News and advertising personnel and members of senior management with any responsibility for news or advertising also must not buy or sell futures or options. However, these employees may invest in equity index-related products and publicly available mutual funds or commodity pools that invest in futures or options. No news or advertising personnel assigned to report or call on a specific industry may buy or sell securities in any company engaged, in whole or significant part, in that industry, nor may any member of the immediate family of any such employee do so.

Employees are encouraged to be long-term investors in Dow Jones & Company stock, whether directly or through the company's compensation and benefits plans (other than its retirement plans). The rule above on holding equities for six months does not apply, however, to certain acquisitions of Dow Jones stock through employee benefit plans and other plans sponsored by the company. For example, shares acquired through payroll deduction or through automatic reinvestment of dividends may be sold immediately. But the six-month holding requirement does apply to shares of Dow Jones stock purchased in the open market by senior management and all news and advertising personnel. And purchases of stock through employee plans by lump-sum payments or voluntary one-time contributions by such employees would be considered open-market purchases.

Political and Civic Activities

Many companies, for a variety of reasons, participate in the partisan political process, at various levels of government. As a publisher, Dow Jones has a different tradition. Dow Jones does not contribute, directly or indirectly, to political campaigns or to political parties or groups seeking to raise money for political campaigns or parties, and Dow Jones does not and will not reimburse any employee for any political contribution made by an employee. All news employees and members of senior management with any responsibility for news should refrain from partisan political activity judged newsworthy by their senior editor or in the case of senior management, the Chief Executive Officer. Other political activities (including "issue oriented" activity) are permitted, but should not be inconsistent with this code.

On the other hand, it is not the intention of Dow Jones, or of this code, to dissuade employees from participating actively in civic, charitable, religious, public, social or residential organizations. Such activities are permitted, and even encouraged, to the extent that they:

Do not detract from performance or effectiveness at work;

Do not, by their extensiveness, cause the company to subsidize or appear to subsidize the activity; and

Do not otherwise violate this code. In the event that a conflict arises or may arise between an outside organization with which an employee is affiliated and the interests of Dow Jones, the employee should refrain from participating in the conflicting or potentially conflicting activity.

No Dow Jones employee should permit his or her Dow Jones affiliation to be noted in any outside organization's materials or activities without the express written approval of a member of senior management or unless of course the employee serves as a representative of Dow Jones or unless the affiliation is noted as part of a broader description of the employee's identity.

Books and Records

It is essential to the successful operation of Dow Jones as a business, and to the preservation of investor confidence in the company, that the integrity of our books and records be resolutely maintained. The responsibility for this does not rest exclusively with accounting or other financial personnel - it is shared by us all.

Accordingly,

No Dow Jones fund, asset or liability which is not fully and properly recorded on the company's books and records shall be created or permitted to exist;

No transaction shall be effected and no payment shall be made on behalf of Dow Jones with the intention or understanding that the transaction or payment is other than as described in the documentation evidencing the transaction or supporting the payment;

All employees shall comply with Dow Jones' accounting principles, procedures and controls, and no false, artificial or misleading entries in any books or records of the company shall be made for any reason whatsoever;

No employee will issue or authorize anyone else to issue any company document that is false or misleading;

No employee will knowingly accept and treat as accurate any false or misleading document prepared by a person not employed by Dow Jones; and

No employee will knowingly make any false or misleading statements to our external or internal auditors. Indeed, when questioned by any auditor, all employees should be fully forthcoming.

Employment

Dow Jones strives to ensure that all employees are treated with dignity and respect. Among our goals are to make benefits and services available to employees to promote their well-being, to communicate effectively with employees, to ensure equal employment treatment, to maintain a safe work environment, to observe the terms of collective bargaining agreements where applicable, to assist employees in realizing their potential and maximizing their productivity, and to fairly evaluate and recognize performance.

For its part, the company expects employees to perform excellent work in a cost-effective manner, to strive for quality and productivity, to follow directions and instructions, to properly care for facilities and equipment, to anticipate problems and suggest improvements, to treat other employees and clients and customers with honesty and courtesy, and to be energetic in the performance of tasks and fulfilment of goals.

Dow Jones values the talents and contributions of its employees. The company also seeks and values diversity among employees, recognizing that a mix of people enriches the company and encourages creativity and business growth. Dow Jones' policy is to provide equal employment opportunities and advancement consideration to all individuals based on job-related qualifications and ability to perform the job, without regard to race, colour, ancestry, national origin, religious creed, sex, disability, veteran status, sexual orientation, age or marital status. It is also Dow Jones' policy to provide a working environment that is free of intimidation or harassment based on any of these factors.

Complete statements of policies setting forth the company's standards regarding personnel matters, and other matters relating to employment with Dow Jones, are published by the employee relations department. These policies meet legal and regulatory requirements of various jurisdictions in which Dow Jones does business, and employees are required to comply with these policies.

Environmental Concerns

Dow Jones is committed to maintaining a safe work environment by eliminating all significant recognized hazards in the workplace, and to conducting business in an environmentally sound manner based on scientific understanding, customer needs and local requirements. Employees are required to comply with all applicable health, safety and environmental laws and regulations, and all related company policies.

Compliance with this Code

Dow Jones takes this code of conduct very seriously. All employees of Dow Jones are responsible for compliance with all aspects of this code. All new employees shall be required to read this code at the outset of their employment, and to attest in writing that they have done so; all Dow Jones employees shall be required, at the time this code is first promulgated, to read it and so attest. In the case of all members of senior management, and all news and advertising personnel, such written attestations shall be required once each year.

The matters addressed by this code are sufficiently important that any lapse in judgment within the areas covered here may be considered serious enough to warrant discipline up to and including dismissal.

Any employee having a question about a possible violation of this code by that person or any other person, or in connection with any practice, should discuss it with his or her supervisor, or an employee relations department representative, or a member of the legal department. Every effort will be made to maintain the confidentiality of such discussions. Indeed, the most important wisdom about dealing with these questions is when in doubt, ask.

Editorial Writer's Code

The ethics code of the U.S. based National Conference of Editorial Writers is as follows:

Editorial writers owe it to their integrity and that of their profession to observe the following injunctions:

1. The editorial writer should present facts honestly and fully. It is dishonest to base an editorial on half-truth. The writer should never knowingly mislead the reader, misrepresent a situation, or place any person in a false light. No consequential errors should go uncorrected.
2. The editorial writer should draw fair conclusions from the stated facts, basing them upon the weight of evidence and upon the writer's concept of the public good
3. The editorial writer should be constantly alert to conflicts of interest, real or apparent, including those that may arise from financial holdings, secondary employment, holding public office or involvement in political, civic or other organizations. Timely public disclosure can minimize suspicion. Editors should seek to hold syndicates to these standards. The writer, further to enhance editorial page credibility, also should encourage the institution he or she represents to avoid conflicts of interest, real or apparent.
4. The editorial writer should realize that the public will appreciate more the value of the First Amendment if others are accorded an opportunity for expression. Therefore, voice should be given to diverse opinions, edited faithfully to reflect stated views. Targets of criticism - whether in a letter, editorial, cartoon or signed column - specially deserve an opportunity to respond; editors should insist that syndicates adhere to this standard.
5. The editorial writer should regularly review his or her conclusions. The writer should not hesitate to consider new information and to revise conclusions. When changes of viewpoint are substantial, readers should be informed.

6. The editorial writer should have the courage of well-founded convictions and should never write anything that goes against his or her conscience. Many editorial pages are products of more than one mind, and sound collective judgment can be achieved only through sound individual judgments. Thoughtful individual opinions should be respected.
7. The editorial writer always should honor pledges of confidentiality. Such pledges should be made only to serve the public's need for information.
8. The editorial writer should discourage publication of editorials prepared by an outside writing service and presented as the newspaper's own. Failure to disclose the source of such editorials is unethical, and particularly reprehensible when the service is in the employ of a special interest.
9. The editorial writer should encourage thoughtful criticism of the press, especially within the profession, and promote adherence to the standards set forth in this statement of principles.

United Kingdom

NUJ Code of Conduct

The British National Union of Journalists, NUJ in 1936 adopted its code of conduct. The version given here is as amended in 1998. The union has an Ethics Council that is responsible for education of members and the hearing of complaints made under the code of conduct.

1. A journalist has a duty to maintain the highest professional and ethical standards.
2. A journalist shall at all times defend the principle of the freedom of the press and other media in relation to the collection of information and the expression of comment and criticism. He/she shall strive to eliminate distortion, news suppression and censorship.
3. A journalist shall strive to ensure that the information he/she disseminates is fair and accurate, avoid the expression of comment and conjecture as established fact and falsification by distortion, selection or misrepresentation.

4. A journalist shall rectify promptly any harmful inaccuracies, ensure that correction and apologies receive due prominence and afford the right of reply to persons criticised when the issue is of sufficient importance.
5. A journalist shall obtain information, photographs and illustrations only by straightforward means. The use of other means can be justified only by overriding considerations of the public interest. The journalist is entitled to exercise a personal conscientious objection to the use of such means.
6. A journalist shall do nothing which entails intrusion into anybody's private life, grief or distress, subject to justification by overriding considerations of the public interest.
7. A journalist shall protect confidential sources of information.
8. A journalist shall not accept bribes nor shall he/she allow other inducements to influence the performance of his/her professional duties.
9. A journalist shall not lend himself/herself to the distortion or suppression of the truth because of advertising or other considerations.
10. A journalist shall mention a person's age, sex, race, colour, creed, illegitimacy, disability, marital status, or sexual orientation only if this information is strictly relevant. A journalist shall neither originate nor process material which encourages discrimination, ridicule, prejudice or hatred on any of the above-mentioned grounds.
11. No journalist shall knowingly cause or allow the publication or broadcast of a photograph that has been manipulated unless that photograph is clearly labelled as such. Manipulation does not include normal dodging, burning, colour balancing, spotting, contrast adjustment, cropping and obvious masking for legal or safety reasons.
12. A journalist shall not take private advantage of information gained in the course of his/her duties before the information is public knowledge.
13. A journalist shall not by way of statement, voice or appearance endorse by advertisement any commercial product or service

save for the promotion of his/her own work or of the medium by which he/she is employed.

PCC Code

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and ratified by the Press Complaints Commission, 5th March 2003.

All members of the press have a duty to maintain the highest professional and ethical standards. This code sets the benchmark for those standards. It both protects the rights of the individual and upholds the public's right to know.

The Code is the cornerstone of the system of self-regulation to which the industry has made a binding commitment. Editors and publishers must ensure that the Code is observed rigorously not only by their staff but also by anyone who contributes to their publications.

It is essential to the workings of an agreed code that it be honoured not only to the letter but in the full spirit. The Code should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it prevents publication in the public interest.

It is the responsibility of editors to co-operate with the PCC as swiftly as possible in the resolution of complaints.

Any publication which is criticised by the PCC under on of the following clauses must print the adjudication which follows in full and with due prominence.

1 Accuracy

i) Newspapers and periodicals must take care not to publish inaccurate, misleading or distorted material including pictures.
ii) Whenever it is recognised that a significant inaccuracy, misleading statement or distorted report has been published, it must be corrected promptly and with due prominence.
iii) An apology must be published whenever appropriate.
iv) Newspapers, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

v) A newspaper or periodical must report fairly and accurately the outcome of an action for defamation to which it has been a party.

2. Opportunity to reply

A fair opportunity for reply to inaccuracies must be given to individuals or organisations when reasonably called for.

*3.*Privacy*

i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual's private life without consent.

ii) The use of long lens photography to take pictures of people in private places without their consent is unacceptable.

Note - Private places are public or private property where there is a reasonable expectation of privacy.

*4.*Harassment*

i) Journalists and photographers must neither obtain nor seek to obtain information or pictures through intimidation, harassment or persistent pursuit.

ii) They must not photograph individuals in private places (as defined by the note to clause 3) without their consent; must not persist in telephoning, questioning, pursuing or photographing individuals after having been asked to desist; must not remain on their property after having been asked to leave and must not follow them.

iii) Editors must ensure that those working for them comply with these requirements and must not publish material from other sources which does not meet these requirements.

5. Intrusion into grief or shock

In cases involving personal grief or shock, enquiries must be carried out and approaches made with sympathy and discretion. Publication must be handled sensitively at such times but this should not be interpreted as restricting the right to report judicial proceedings.

*6. *Children*

i) Young people should be free to complete their time at school without unnecessary intrusion.

ii) Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child or any other child in the absence of or without the consent of a parent or other adult who is responsible for the children.

iii) Pupils must not be approached or photographed while at school without the permission of the school authorities.

iv) There must be no payment to minors for material involving the welfare of children nor payments to parents or guardians for material about their children or wards unless it is demonstrably in the child's interest.

v) Where material about the private life of a child is published, there must be justification for publication other than the fame, notoriety or position of his or her parents or guardian.

*7. *Children in sex cases*

1. The press must not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims or as witnesses.

2. In any press report of a case involving a sexual offence against a child –

i) The child must not be identified.

ii) The adult may be identified.

iii) The word "incest" must not be used where a child victim might be identified.

iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

*8. *Listening Devices*

Journalists must not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations.

*9. *Hospitals*

i) Journalists or photographers making enquiries at hospitals or similar institutions must identify themselves to a responsible executive and obtain permission before entering non-public areas.

ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

*10. *Reporting of crime*

(i) The press must avoid identifying relatives or friends of persons convicted or accused of crime without their consent.

(ii) Particular regard should be paid to the potentially vulnerable position of children who are witnesses to, or victims of, crime. This should not be interpreted as restricting the right to report judicial proceedings.

*11. *Misrepresentation*

i) Journalists must not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.

ii) Documents or photographs should be removed only with the consent of the owner.

iii) Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.

12. Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and, by law, they are free to do so.

13. Discrimination

i) The press must avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or sexual orientation or to any physical or mental illness or disability.

ii) It must avoid publishing details of a person's race, colour, religion, sexual orientation, physical or mental illness or disability unless these are directly relevant to the story.

14. Financial journalism

i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.

ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

15. Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

16. Witness payments in criminal trials

i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

*ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

*iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

17. Payment to criminals

* Payment or offers of payment for stories, pictures or information, must not be made directly or through agents to convicted or confessed criminals or to their associates - who may include family, friends and colleagues - except where the material concerned ought to be published in the public interest and payment is necessary for this to be done.

The Public Interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes:

i) Detecting or exposing crime or a serious misdemeanour.

ii) Protecting public health and safety.

iii) Preventing the public from being misled by some statement or action of an individual or organisation.

2. In any case where the public interest is invoked, the Press Complaints Commission will require a full explanation by the editor demonstrating how the public interest was served.

3. There is a public interest in freedom of expression itself. The Commission will therefore have regard to the extent to which material has, or is about to, become available to the public.

4. In cases involving children editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child

The Guardian's Editorial Code

Though the *Guardian* considers the PCC's Code of Conduct to be a sound statement of ethical behaviour for journalists, but from February 2002 it has started putting its editorial code on its web-site. As its readers' editor put it:

From this week the *Guardian* publishes its editorial code on its website for all to see, and perhaps, as a colleague said, for some of you “to beat us with”. It is the first newspaper in Britain to do this and it joins a select group of media organisations, mostly newspapers, around the world prepared to declare the standards to which they aspire and by which they are prepared to be judged.

It is not a code of conduct that requires the raising of the right hand and the swearing of an oath of allegiance. It is not a set of restrictions that will hamper the pursuit of vigorous or investigative journalism. It is a set of guidelines that covers both professional practice and personal behaviour where the latter involves, or might be considered to involve a conflict of interest. It is intended to reinforce the paper’s commitment to openness and accountability.[8]

JAPAN

NSK Canon of Journalism

On June 21 June 2000 Nihon Shinbun Kyokai (NSK - the Japan Newspaper Publishers and Editors’ Association) created a new comprehensive code of ethics:

Aware afresh of the important mission of newspapers on the threshold of the 21st century, and pledging their continued effort towards an affluent and peaceful future, members of the Nihon Shinbun Kyokai (The Japan Newspaper Publishers and Editors’ Association) have formulated this new Canon of Journalism.

The public’s right to know is a universal principle that sustains a democratic society. That right cannot be ensured without the existence of media, operating with the guarantee of freedom of speech and expression, while being totally committed to a high moral standard and fully independent of all powers. Member newspapers resolve to retain their role as the fittest standard-bearers in this regard.

In a modern society flooded with a vast range of information, the public is constantly required to make correct and swift decisions on what is true and which information to select. It is the responsibility of member newspapers to respond to such requirements and fulfil their public and cultural mission through accurate and fair reporting, and through responsible commentaries.

All newspapermen and women engaged in duties including editing, production, advertising and circulation should uphold freedom of speech and expression. They should also conduct themselves with honour and decency in such a way as to ensure this responsibility is duly performed, and to strengthen the readers' confidence in the newspapers.

Freedom and Responsibility

Freedom of expression is a fundamental human right, and newspapers have that absolute freedom in both their news coverage and editorial comment. In exercising that freedom, however, member newspapers must be duly aware of their heavy responsibility and be constantly mindful not to impair public interests.

Accuracy and Fairness

Newspapers are the first chroniclers of history, and the mission of reporters lies in the constant pursuit of truth. Reporting must be accurate and fair, and should never be swayed by the reporter's personal conviction or bias. Editorial comment should be an honest expression of the writer's belief, not to court popularity.

Independence and Tolerance

Member newspapers uphold their independence in the interests of fair comment and free speech. They must reject interference by any outside forces, and resolve to remain vigilant against those who may wish to use the newspapers for their own purposes. On the other hand, they should willingly give space to opinions that differ from their own, provided such opinions are accurate, fair and responsible.

Respect for Human Rights

Member newspapers should pay utmost respect to the dignity of human beings, put a high value on individuals' honour and give serious consideration to their right to privacy. They should also acknowledge errors and correct them promptly, and in cases when an individual or a group has been unjustly maligned, adequate steps should be taken to rectify the situation, including the provision of an opportunity to reply.

Decency and Moderation

In the performance of their public and cultural mission, member newspapers must be available for anyone to read anytime, anywhere. They should maintain decency both editorially and in the area of advertising, and in their circulation practices they should at all times exercise moderation and good sense.

FIEJ (WAN) Code 1981

International Federation of Newspaper Publishers / Fédération Internationaledes Editeurs de Journaux (FIEJ), now called World Association of Newspapers (WAN).[9]

The FIEJ Code of Newspaper Practice is a direct response to UNESCO's attempts to lay down the law internationally on what constitutes good conduct in the media. The Communication Policy Committee has formulated a set of principles to which newspaper publishers in FIEJ member countries have always implicitly subscribed.[10]

Statement of Intent

Open access to information and opinion is the democratic right of every citizen. The vocation of the press is to provide a comprehensive and objective service of information and opinion. It should, therefore, have freedom of access of all sources of information. The moral principles that govern the activities of publishers, editors-in-chief and journalists have already been codified in some countries. There is a widespread pressure for a code of practice to be adopted by all the world's press.

It is incompatible with the principle of press freedom for such a code of practice to be imposed by an outside body. It is the responsibility of the press itself to formulate a code of newspaper practice.

The principles of the code should in no way infringe the liberty of the press.

The FIEJ code of newspaper practice based on articles 2 and 3 of its statutes could serve as a model for national press associations and individual publishers, within the confines of their own political and cultural traditions.

Preamble

Freedom of expression is one of the basic human rights. It is an essential prerequisite for an enlightened and well-informed public opinion. As a prime source of information and comment, the press should be not only honest, accurate and fair, but also free and independent. To help safeguard the integrity and liberty of the press, the following code of practice has been formulated.

The Code

1. *Press Freedom.* A free press is the most effective safeguard of the freedom of expression, without which other fundamental civil liberties cannot be protected. The press should have the right to publish news and comment without hindrance to ensure that the public is informed fully.
2. *Facts.* Facts should be established and reported with impartiality.
3. *Separation of news and opinion.* The difference between news and comment should be clearly drawn. This principle does not deprive a newspaper of the right to present its own view and the opinions of others.
4. *Recognition of different opinions.* The press recognises and respects differences of opinion and favours the publication of alternative views. It opposes discrimination on grounds of sex, race, nationality, language, religion, ideology or conviction.
5. *Respect for human dignity.* Publishers, editors-in-chief and journalists should respect the dignity and privacy of the individual and avoid intrusion into personal grief and suffering, unless considerations of public interest take precedence.
6. *Presentation of violence.* Crime, terrorism, violence and other acts of brutality and inhumanity should not be glorified.
7. *Correction of falsehoods.* Published facts and information that are later found to be false should be corrected without reservation.

8. *Protection of sources.* Confidential sources of information are to be protected. Names of informants should not be divulged without their consent.
9. *Secrecy.* The confidentiality of public and private affairs, as defined by law, should not be allowed o result in excessive secrecy in the reporting of important events. The public interest takes precedence.
10. *Human rights.* Where the freedom of expression conflicts with other-established human rights, it is the responsibility of publishers and editors in chief to decide which right has precedence.
11. *Independence.* Newspapers should not submit to external pressure, whether by governments, political parties, commercial interests or private individuals.
12. *Advertisements.* Advertisements should be clearly identified to distinguish them from editorial matter.

IFJ Principles

The International Federation of Journalists is the world's largest organisation of journalists. First established in 1926, it was relaunched in 1946 and again, in its present form, in 1952. In 2003 the Federation represents around 500.000 members in more than 100 countries. IFJ policy is decided by the Congress which meets every three years and work is carried out by the Secretariat based in Brussels under the direction of an elected Executive Committee. IFJ Declaration of Principles on the Conduct of Journalists was adopted by 1954 World Congress of the International Federation of Journalists - IFJ. Amended by the 1986 World Congress:

This international declaration is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information in describing events.

Respect for truth and for the right of the public to truth is the first duty of the journalist

In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right to fair comment and criticism.

The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.

The journalist shall only use fair methods to obtain news, photographs and documents.

The journalist shall do the utmost to rectify any published information which is found to be harmfully inaccurate.

The journalist shall observe professional secrecy regarding the source of information obtained in confidence.

The journalist shall be alert to the danger of discrimination being furthered by media, and shall do the utmost to avoid facilitating such discriminations based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national and social origins.

The journalist shall regard as grave professional offenses the following: plagiarism; malicious misinterpretation; calumny; libel; slander; unfounded accusations; acceptance of a bribe in any form in consideration of either publication or suppression.

Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. Within the general law of each country the journalist shall recognise in matters of professional matters the jurisdiction of colleagues only, to the exclusion of any kind of interference by governments or others.

International Principles 1983

It is only proper to put here the International Principles of Professional Ethics in Journalism prepared under the auspices of UNESCO by meetings of international and regional organisations of journalists between 1978 and 1983 and issued by the Fourth Consultative Meeting, in Paris on 20 November 1983. IFJ participated in meetings but was not party to the final outcome.

Principle I : Peoples' right to true information

People and individuals have the right to acquire an objective picture of reality by means of accurate and comprehensive information as well as to express themselves freely through the various media of culture and communication.

Principle II : The journalist's dedication to objective reality

The foremost task of the journalist is to serve the people's right to true and authentic information through an honest dedication to objective reality whereby facts are reported conscientiously in their proper context, pointing out their essential connections and without causing distortions, with due deployment of the creative capacity of the journalist, so that the public is provided with adequate material to facilitate the formation of an accurate and comprehensive picture of the world in which the origin, nature and essence of events, processes and states of affairs are understood as objectively as possible.

Principle III : The journalist's social responsibility

Information in journalism is understood as social good and not as a commodity, which means that the journalist shares responsibility for the information transmitted and is thus accountable not only to those controlling the media but ultimately to the public at large, including various social interests. The journalist's social responsibility requires that he or she will act under all circumstances in conformity with a personal ethical consciousness.

Principle IV : The journalist's professional integrity

The social role of the journalist demands that the profession maintains high standards of integrity, including the journalist's right to refrain from working against his or her conviction or from disclosing sources of information as well as the right to participate in the decision-making of the medium in which he or she is employed. The integrity of the profession does not permit the journalist to accept any form of bribe or the promotion of any private interest contrary to the general welfare. Likewise it belongs to professional ethics to respect intellectual property and, in particular, to refrain from plagiarism.

Principle V: Public access and participation

The nature of the profession demands that the journalist promotes access by the public to information and participation of the public in the media, including the right of correction or rectification and the right of reply.

Principle VI : Respect for privacy and human dignity

An integral part of the professional standards of the journalist is respect for the right of the individual to privacy and human dignity, in conformity with provisions of international and national law concerning protection of the rights and the reputation of others, prohibiting libel, calumny, slander and defamation.

Principle VII : Respect for public interest

The professional standards of the journalist prescribe due respect for the national community, its democratic institutions and public morals.

Principle VIII : Respect for universal values and diversity of cultures

A true journalist stands for the universal values of humanism, above all peace, democracy, human rights, social progress and national liberation, while respecting the distinctive character, value and dignity of each culture, as well as the right of each people freely to choose and develop its political, social, economic and cultural systems. Thus, the journalist participates actively in the social transformation towards democratic betterment of society and contributes through dialogue to a climate of confidence in international relations conducive to peace and justice everywhere, to détente, disarmament and national development. It belongs to the ethics of the profession that the journalist be aware of relevant provisions contained in international conventions, declarations and resolutions.

Principle IX: Elimination of war and other great evils confronting humanity

The ethical commitment to the universal values of humanism calls for the journalist to abstain from any justification for, or incitement to, wars of aggression and the arms race, especially in nuclear weapons, and all other forms of violence, hatred or discrimination, especially racialism and apartheid, oppression by tyrannical regimes, colonialism and neo-colonialism, as well as other great evils which afflict humanity, such as poverty, malnutrition and diseases. By so doing, the journalist can help eliminate ignorance and misunderstanding among peoples, make nationals of a country sensitive to the needs and desires of others, ensure the respect for the rights and dignity of all nations, all peoples and all individuals without distinction of race, sex, language, nationality, religion or philosophical conviction.

Principle X : Promotion of a new world information and communication order

The journalist operates in the contemporary world within the framework of a movement towards new international relations in general and a new information order in particular. This new order, understood as an integral part of the New International Economic Order, is aimed at the de-colonisation and democratisation of the field of information and communication, both nationally and internationally, on the basis of peaceful coexistence among peoples and with full respect for their cultural identity. The journalist has a special obligation to promote the process of democratisation of international relations in the field of information, in particular by safeguarding and fostering peaceful and friendly relations among States and peoples.

Notes and References

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[8] Mayes, Ian (2002) Bond of Trust *The Guardian* February 2, 2002

[9] The Paris-based WAN, the global organisation for the newspaper industry, represents 18,000 newspapers; its membership includes 71 national newspaper associations, individual newspaper executives in 100 countries, 14

news agencies and seven regional and world-wide press groups, according to its website

[10] The code is not only a formal statement of the principles which govern responsible newspaper publishing in the West, but is also designed to serve as a model to the emerging newspaper industries of the Third World. In other words, it represents a FIEJ initiative to offer an alternative ideology to developing countries from that offered by the Soviet Union, one that reflects press freedom and responsibility in the context of a democratic society. After the end of Cold War the code is not seen on the WAN website.

Indian Press Council and Codes

The Press in India is perhaps the freest in the world, freer than in any Western democracy, because the weak defamation laws result in most libel cases ending with apologies by the offending publication, not in award of damages by the courts. Since newspapers were used as weapons driving the freedom struggle, and a number of people were imprisoned because of their writings at the time of independence a Press Law Enquiry Committee was appointed to examine the existing laws in relation to fundamental rights, including the right to freedom of expression, formulated by the Constituent Assembly of India. There was no such review of other laws, though there were changes in them to suit new political ambience. After perusal of the report of this committee, the Act of 1931 was replaced by Press (Objectionable Matter) Act 1951. However, the mood was so much in favour of freedom of the press that it was allowed to lapse in February 1956 and repealed in 1957. The Indian Constitution gives every citizen fundamental right of freedom of speech and expression[3] and the courts have interpreted that it includes freedom of the press.

On 23 September 1952 the Government of India appointed a Press Commission to enquire into the state of the press and to indicate the lines of its development in the future. This Press Commission gave its report in 1954. The report revealed instances of yellow journalism of one type or another, scurrilous writing, often directed against communities or groups, sensationalism, bias in presentation of news and lack of responsibility in comment, indecency and vulgarity and personal attacks on individuals in some sections of the Press. The Commission, however, pointed out that the well-established newspapers had, on the whole, maintained a high standard of journalism. They had avoided "cheap sensationalism and unwarranted intrusion into private lives." But it remarked that "whatever the law relating to the Press may be, there would still be a large quantum of objectionable journalism which, though not falling within the purview of the law, would still require to be checked. It was of the view that "the best way of maintaining professional standards of journalism would be to bring into existence a body of people principally connected with the industry whose responsibility it would be to arbitrate on doubtful points and to censure any one found guilty of infraction of the code of journalistic ethics."[4]

The Commission recommended the setting up of a Press Council. Among the objectives visualised for the Council were : " to safeguard the freedom of the press", " to ensure on the part of the Press the maintenance of high standards of public taste and to foster due sense of both the rights and responsibilities of citizenship" and " to encourage the growth of sense of responsibility and public service among all those engaged in the profession of journalism." The Commission recommended the establishment of the Council on a statutory basis on the ground that the Council should have legal authority to make inquiries as otherwise each member, as well as the Council as a whole, would be subject to the threat of legal action from those whom it sought to punish by exposure.

The Commission said that the Council should consist of men who would command general confidence and respect of the profession and should have 25 members excluding the Chairman. The Chairman was to be a person who was or had been a Judge of the High Court and was to be nominated by the Chief Justice of India.

The Press Council of India was first constituted on 4 July, 1966 as an autonomous, statutory, quasi-judicial body, with Justice J R Mudholkar, then a Judge of the Supreme Court, as Chairman. The Press Council Act, 1965, listed the following functions of the Council in furtherance of its objects:

to help newspapers to maintain their independence;

to build up a code of conduct for newspapers and journalists in accordance with high professional standards;

to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;

to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;

to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;

to keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government.

to promote the establishment of such common service for the supply and dissemination of news to newspapers as may, from time to time, appear to it to be desirable;

to provide facilities for the proper education and training of persons in the profession of journalism;

to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers;

to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefore;

to promote technical or other research;

to do such other acts as may be incidental or conducive to the discharge of the above functions.

The Act of 1965 provided that the Council shall consist of a Chairman and 25 other members. Of the 25 members, 3 were to represent the two houses of Parliament, 13 were to be from amongst the working journalists, of which not less than 6 were to be editors who did not own or carry on the business of management of newspapers and the rest were to be the persons having special knowledge or practical experience in respect of education and science, law, literature and culture. By an amendment of the Act in 1970, the membership of the Council was raised by one to provide a seat for persons managing the news agencies.

The Chairman under the Act on 1965, was to be nominated by the Chief Justice of India. Of the three Members of Parliament, two representing Lok Sabha were to be nominated by the Speaker of the Lok Sabha and one representing Rajya Sabha, was to be nominated by the Chairman of the Rajya Sabha. The remaining

22 members were to be selected by a three-man Selection Committee comprising the Chief Justice of India, Chairman of the Press Council and a nominee of the President of India. The Chairman and the members were to hold office for a period of three years provided that no member could hold office for a period exceeding six years in the aggregate.

When in the early years of the Council's existence a grievance was aired about the selection of a category of members, Parliament embarked on a search for a meticulous formula which would ensure uncompromising impartiality and fairness in the selection of Chairman and other members. This led to the amendment of the 1965 Act entrusting this work to a Committee comprising the incumbent of the three highest offices which are considered as an embodiment of these attributes, namely, Chairman of Rajya Sabha, Speaker of Lok Sabha and Chief Justice of India. But, the pursuit for still less subjective scheme continued. Even a statistical formula was evolved for equitable presentation of the various representative organisations of the profession.

The composition of the nominating committee was changed by an amendment of the said Act in 1970, according to which the Chairman and the members from the press were to be nominated by a Nominating Committee consisting of the Chairman of the Rajya Sabha, the Chief Justice of India and the Speaker of the Lok Sabha.

The amending Act of 1970 introduced several other provisions in the Act. The manner of selection of persons of special knowledge or practical experience was specified. It provided that of the three persons to be nominated from among such people, one each shall be nominated by the University Grants Commission, the Bar Council of India and the Sahitya Academy. It also provided for raising the membership of the Council to give one seat to the persons managing the news agencies. Out of the six seats for proprietors and managers of newspapers, two each were earmarked for big, medium and small newspapers. No working journalist who owned or carried on the business of management of newspapers could now be nominated in the category of working journalists. Also, it was specified that not more than one person interested in any newspaper or group of newspapers under the same control, could be nominated from the categories of editors, other working journalists, proprietors and managers.

The Nominating Committee was empowered to review any nomination on a representation made to it by any notified association or by any person aggrieved by it or otherwise. The amended Act also barred re-nomination of a retiring member for more than one term. Where any association failed to submit a panel of names when invited to do so, the Nominating Committee could ask for panels from other associations or persons of the category concerned or nominate members after consultation with such other such individuals or interests concerned as it thought fit. Under the original Act, the Chief Justice of India nominated the Chairman. But, after this amendment, nomination of the Chairman was also left to the Nominating Committee.

The Council set up under the Act of 1965 functioned from July 1966 to December 1975.[5] During the Internal Emergency imposed by Mrs. Indira Gandhi in June 1975, the Press Council was abolished on the first day of January 1976 by the Press Council (Repeal) Act 1976.

One of the main reasons mentioned for abolition of the Press Council was that it had failed to develop a code. All-India Newspaper Editors' Conference (AINEC) was the only organisation which had an official code of ethics when the Second Press Commission submitted its report. All others expected that the code should be evolved as cases are decided by the Press Council.

AINEC Code of Ethics

All India Newspaper Editors' Conference was the only organisation which had evolved a code of ethics for journalists, which existed at the time when Second Press Commission reviewed the situation and was, therefore, reproduced in the Report of Second Press Commission[6] of India. The code said:

1. As the press is a primary instrument in the creation of public opinion, journalists should regard their calling as a trust and be eager to serve and guard their public interests.
2. In the discharge of their duties, journalists should attach due value to fundamental, human and social rights and shall hold

good faith and fair play in news reports and comments as essential professional obligations.

3. Journalists should observe special restraint in reports and comments dealing with tensions, likely to lead, or leading to civil disorder.
   (a) Journalists shall particularly observe maximum restraint in publishing reports and comments relating to communal tension, incidents, riots, incipient situations likely to lead to communal disturbances. The identification of communities which may lead to chain reactions should be avoided.
   (b) Journalists should endeavour at all times to promote the unity of the country and the nation, pride in the country, its people, its achievements and its strength in diversity. Journalists should be most circumspect in dealing with movements and ideas which promote regionalism at the cost of national unity.
   (c) Any reportage on ideas of fresh partition and secessionism must be treated with the greatest caution. Any comment likely to give comfort to the proponents of such ideas and further their interests should be avoided. The integrity of the country and of the Indian people must be considered sacrosanct and beyond question.
4. Journalists should endeavour to ensure that information disseminated is factually accurate. No fact shall be distorted or the essential facts deliberately omitted. No information known to be false shall be published.
5. Responsibility shall be assumed for all information and comments published. If responsibility is disclaimed, this will be explicitly stated.
6. Confidences shall always be respected. Professional secrecy must be preserved.
7. Any report found to be inaccurate and any comment on inaccurate reports shall be voluntarily rectified. It shall be obligatory to give fair publicity to a correlation of contradiction when a report published is shown to be false or inaccurate in material particulars.

8. Journalists shall not exploit their status for non-journalistic purposes.
9. Journalists shall not allow personal interest to influence professional conduct.
10. There is nothing so unworthy as the acceptance or demand of a bribe or inducement for the exercise by a journalist of his power to give or deny publicity to news or comments.
11. Freedom in the honest collection and publication of news and facts and the rights of their comments and criticism and principles which every journalist should always defend.
12. Journalists shall be very conscious of their obligation to their fellows in the profession and shall not seek to deprive fellow-journalists of their livelihood by unfair means.
13. The carrying on of personal controversies in the press in which no public interest is involved shall be regarded as derogatory to the dignity of the profession.
14. It is unprofessional to give currency to rumours or loose talk affecting the private life of individuals. Even verifiable news affecting the private life of individuals shall not be published unless the public interest as distinguished from public curiosity demands its publication.
15. The Press shall refrain from publishing matters likely to encourage vice and crime.

A New Beginning

After the 1977 General Elections, in which Mrs. Indira Gandhi lost, the Janata Government that came to power revived the Press Council by enacting a fresh legislation the Press Council of India Act 1978 (37 of 1978). The new Council came into being on the first day of March 1979. This Press Council derives its authority directly from Parliamentary enactment and functions as an independent impartial and self-regulatory body.[7]

The present Council is a body corporate having perpetual succession. It consists of a Chairman and 28 other members. Of the 28 members, 13 represent the working journalists. Of whom six are to be editors of newspapers and remaining seven are to be working journalists other than editors. Six are to be from among persons who own or carry on the business of management of newspapers. One is to be from among the persons who manage news agencies. Three are to be persons having special knowledge or practical experience in respect of education and science, law and literature and culture. The remaining five are Members of Parliament : three from the Lok Sabha, and two from the Rajya Sabha.

The new Act provides for selection of the Chairman by a Committee consisting of the Chairman of the Rajya Sabha, the Speaker of Lok Sabha and a person elected by the members of the Council from among themselves. The twenty representatives of the Press are nominated by the associations of aforesaid categories of the newspapers and news agencies notified for the purpose by the Council in each category.

One member each is nominated by the University Grants Commission, the Bar Council of India and the Sahitya Academy. Of the five Members of Parliament, three are nominated by the Speaker of the Lok Sabha and two by the Chairman of the Rajya Sabha. The term of the Chairman and the members of the Council is three years. A retiring member is eligible for re-nomination for not more than one term. Despite being a statutory body, the Ministry of Information and Broadcasting has been completely kept out of the nomination process except for publishing the notification in the official gazette of the names of the members nominated.

The objects of present Press Council are substantially the same as were laid down under the Act of 1965. But the functions have undergone some change in that the three of the functions listed in the earlier Act were not included in the 1978 Act as they were considered to be burdensome for the Council to perform. These related to (a) promoting the establishment of such common services for the supply and dissemination of news to newspapers as may, from time to time, appear to it to be desirable;(b) providing facilities for proper education and training of persons in the profession of journalism; and (c) promoting technical or other research.

In addition, the Act of 1978 lists two new functions of the Council:

to undertake studies of foreign newspapers, including those brought out by any embassy or any other representative in India of a foreign State, their circulation and impact; and,

to undertake such studies as may be entrusted to the Council and to express its opinion in regard to any matter referred to it by the Central Government. The other functions remain the same as enumerated in the Act of 1965.

The powers of the Press Council are provided in Section 14 and 15 of the Act. On receipt of a complaint made to it or otherwise, if the Council has reason to believe that a newspaper or news agency has offended against the standards of journalistic ethics or public taste; or that an editor or a working journalist has committed any professional misconduct, the Council may, after giving the newspaper, or news agency, the editor or journalist concerned an opportunity of being heard, hold an inquiry and if it is satisfied that it is necessary to do , it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the editor or the journalist, as the case may be.

It is provided that the Council may not take cognisance of a complaint if in the opinion of the Chairman, there is no sufficient ground for holding an inquiry.

If the Council is of the opinion that it is necessary or expedient in public interest to do so, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particulars relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.

The Council is not empowered to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law. The decision of the Council shall be final and shall not be questioned in any court of law.

Section 15 provides that for the purpose of performing its functions or holding any inquiry under this Act, the Council has the same powers throughout India as are vested in a civil court while trying a suit under the Code of Civil Procedure, in respect of the following matters: summoning and enforcing the attendance of persons and examining them on oath; requiring the discovery and inspection of documents; receiving evidence on affidavits; requisitioning any public record or copies thereof from any court or office; issuing commissions for the examination of witnesses or documents; and any other matter, which may be prescribed.

However, the Council cannot compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalist.

Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code. The Council may, if it considers it considers it necessary for the purpose of carrying out its objects or for the performance of any of its functions under this Act, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government. The Inquiry Regulations framed by the Council empower the Chairman to take suo motu action and issue notices to any party in respect of any matter falling within the scope of Press Council Act. The procedure for holding a suo motu inquiry is substantially the same as in the case of a normal inquiry except that for any normal inquiry a complaint is required to be lodged with the Council by a complainant.

The Council, in 1980 had proposed amendment of the Act, for empowering the Council to recommend to the authorities concerned, denial of certain facilities and concessions in the form of accreditation, advertisements, allocation of newsprint or confessional rates of postage for a certain period in the case of a newspaper which was censured thrice by the Council. Acceptance of the Council's recommendations on the part of the authorities was sought to be made obligatory. The Council was further of the view that, as in the case of newspapers, the power vested in it under Section 15(4) of the Press Council Act, 1978, to make such observations as it may think fit, in any of its decisions or reports, respecting the conduct of any authority including government, should expressly include the power to warn, admonish or censure such authorities and that the observations of the Council in this behalf should be placed on the Table of both the Houses of

Parliament and/or of the Legislature of the State concerned. In the year 1987, the Council reconsidered the matter and after detailed deliberations, decided to withdraw its proposal for penal powers because it was of the reconsidered opinion that in the prevalent conditions these powers could tend to be misused by the authorities to curb the freedom of the Press. Since then, time and again, suggestions or references have been made to the Council that it should have penal powers to punish the delinquent newspapers/journalists. In response, the Council has consistently taken the view that the moral sanctions provided to it under the existing scheme of the Act are adequate.

The Act provides that the Council may, for the purpose of performing its functions under the Act, levy fee at the prescribed rates from registered newspapers and news agencies. Apart from this, the Central Government has been enjoined to pay the Council by way of grant such sums of money as the Central Government may consider necessary, for the performance of its functions.

Section 13 (2) (b) of the Press Council Act, 1978, enjoins the Council to build up a Code of Conduct for newspapers, news agencies and journalists in accordance with the high professional standards to help and guide the newsmen. Building of such a Code is a dynamic process which has to keep pace with time and events. The expression "build up" indicates that the code may be evolved by the Press Council on case by case basis through its adjudications. A compendium of broad principles evolved by the Press Council through its adjudications/guidelines was first published in the year 1984 by the Council in collaboration with the Indian Law Institute as, "Violation of Journalistic Ethics and Public Taste". In 1986, the second part of the compendium, "Violation of Freedom of Press" related to complaints against authorities. In 1992, the Council brought out " A Guide to Journalistic Ethics". An updated version of the code was published in 1996.

Norms of Journalistic Conduct

The fundamental objective of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner.

Towards this end, the Press is expected to conduct itself in keeping with certain norms of professionalism universally recognised. The norms enunciated below and other specific guidelines appended thereafter, when applied with due discernment and adaptation to the varying circumstance of each case, will help the journalist to self-regulate his or her conduct.

Accuracy & Fairness

1) The Press shall eschew publication of inaccurate, baseless, graceless, misleading or distorted material. All sides of the core issue or subject should be reported. Unjustified rumours and surmises should not be set forth as facts.

Pre-publication Verification

2) On receipt of a report or article of public interest and benefit containing imputations or comments against a citizen, the editor should check with due care and attention its factual accuracy-apart from other authentic sources with the person or the organisation concerned to elicit his/her or its version, comments or reaction and publish the same with due amendments in the report where necessary. In the event of lack or absence of response, a footnote to that effect should be appended to the report.

Caution against defamatory writings

3) Newspaper should not publish anything which is manifestly defamatory or libellous against any individual organisation unless after due care and checking, they have sufficient reason to believe that it is true and its publication will be for public good.

4) Truth is no defence for publishing derogatory, scurrilous and defamatory material against a private citizen where no public interest is involved.

5) No personal remarks which may be considered or construed to be derogatory in nature against a dead person should be published except in rare cases of public interest, as the dead person cannot possibly contradict or deny those remarks.

6) The Press shall not rely on objectionable past behaviour of a citizen for basing the scathing comments with reference to fresh

action of that person. If public good requires such reference, the Press should make pre-publication inquiries from the authorities concerned about the follow up action, if any, in regard to those adverse actions.

7) The Press has a duty, discretion and right to serve the public interest by drawing reader's attention to citizens of doubtful antecedents and of questionable character but as responsible journalists they should observe due restraint and caution in hazarding their own opinion or conclusion in branding these persons as 'cheats' or 'killers' etc, the cardinal principle being that the guilt of a person should be established by proof of facts alleged and not by proof of the bad character of the accused. In the zest to expose, the Press should not exceed the limits of ethical caution and fair comments.

8) Where the impugned publication are manifestly injurious to the reputation of the complainant, the onus shall be on the respondent to show that they were true or to establish that they constituted for comment made in good faith and for public good.

Parameters of the right of the Press to comment on the acts and conduct of public officials

9) So far as the government, local authority and other organs/ institutions exercising governmental power are concerned, they cannot maintain a suit for damages for acts and conduct relevant to the discharge of their official duties unless the official establishes that the publication was made with reckless disregard for the truth. However, judiciary which is protected by the power to punish for contempt of court and Parliament and the state Legislatures, protected as their privileges are by Articles 105 and 194 respectively of the Constitution of India, represent exception to this rule.

10) Publication of news or comments/information on public officials conducting investigations should have a tendency to help the commission of offences or to impede the prevention or detection of offences or prosecution of the guilty. The investigative agency is also under a corresponding obligation not to leak out or disclose such information or indulge in disinformation.

11) The Official Secrets Act, 1923 or any other similar

enactment or provision having the force of law equally bind the press or media though there is no law empowering the State or its officials to prohibit, or to impose a prior restraint upon the Press/ media.

12) Cartoons and caricatures in depicting good humour are to be placed in a special category of news that enjoy more liberal attitude.

Right to Privacy

13) The Press shall not intrude or invade the privacy of an individual unless outweighed by genuine overriding public interest, not being a prurient or morbid curiosity. So, however, that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by Press and media among others.

Explanation: Things concerning a person's home, family, religion, health, sexuality, personal life and private affairs are covered by the concept of PRIVACY excepting where any of these impinges upon the public or public interest.

14) Caution against identification: While reporting crime involving rape, abduction or kidnap of women/females or sexual assault on children, or raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs of the victims or other particulars leading to their identity shall not be published.

15) Minor children and infants who are the offspring of sexual abuse or 'forcible marriage' or illicit sexual union shall not be identified or photographed.

Recording interviews and phone conversation

16) The Press shall not tape-record anyone's conversation without that person's knowledge or consent, except where the recording is necessary to protect the journalist in a legal action, or for other compelling good reason.

17) The Press shall, prior to publication, delete offensive epithets used by an interviewer in conversation with the Press person.

18) Intrusion through photography into moments of personal grief shall be avoided. However, photography of victims of accidents or natural calamity may be in larger public interest.

Conjecture, comment and fact

19) Newspaper should not pass on or elevate conjecture, speculation or comment as a statement of fact. All these categories should be distinctly stated.

Newspapers to eschew suggestive guilt

20) Newspapers should eschew suggestive guilt by association. They should not name or identify the family or relatives or associates of a person convicted or accused of a crime, when they are totally innocent and a reference to them is not relevant to the matter reported.

21) It is contrary to the norms of journalism for a paper to identify itself with and project the case of any one party in the case of any controversy/dispute.

Corrections

22) When any factual error or mistake is detected or confirmed, the newspaper should publish the correction promptly with due prominence and with apology or expression of regrets in a case of serious lapse.

Right of Reply

23) The newspaper should promptly and with due prominence, publish either in full or with due editing, free of cost, at the instance of the person affected or feeling aggrieved/or concerned by the impugned publication, a contradiction/reply/ clarification or rejoinder sent to the editor in the form of a letter or note. If the editor doubts the truth or factual accuracy of the contradiction/reply/clarification or rejoinder, he shall be at liberty to add separately at the end a brief editorial comment doubting its veracity, but only when this doubt is reasonably founded on unimpeachable documentary or other evidential material in his/her possession. This is a concession which has to be availed of sparingly with due discretion and caution in appropriate cases.

24) However, where the reply/contradiction or rejoinder is being published in compliance with the discretion of the Press Council, it is permissible to append a brief editorial note to that effect.

25) Right of rejoinder cannot be claimed through the medium of Press Conference, as publication of a news of a conference is within the discretionary powers of an editor.

26) Freedom of the Press involves the readers' right to know all sides of an issue of public interest. An editor, therefore, shall not refuse to publish the reply or rejoinder merely on the ground that in his opinion the story published in the newspaper was true. That is an issue to be left to the judgement of the readers. It also does not behove an editor to show contempt towards a reader.

Letters to editor

27) An editor who decides to open his columns for letters on a controversial subject, is not obliged to publish all the letters received in regard to that subject. He is entitled to select and publish only some of them either in entirety or the gist thereof. However, in exercising this discretion, he must make an honest endeavour to ensure that what is published is not one-sided but represents a fair balance between the views for and against with respect to the principal issue in controversy.

28) In the event of rejoinder upon rejoinder being sent by two parties on a controversial subject, the editor has the discretion to decide at which stage to close the continuing column.

Obscenity and vulgarity to be eschewed

29) Newspapers/journalists shall not publish anything which is obscene, vulgar or offensive to public good taste.

30) Newspapers shall not display advertisements which are vulgar or which, through depiction of a woman in nude or lewd posture, provoke lecherous attention of males as if she herself was a commercial commodity for sale.

31) Whether a picture is obscene or not, is to be judged in relation to three tests; namely

i) Is it vulgar and indecent?
ii) Is it a piece of mere pornography?
iii) Is its publication meant merely to make money by titillating the sex feelings of adolescents and among whom it is intended to circulate? In other words, does it constitute an unwholesome exploitation for commercial gain.

Other relevant considerations are whether the picture is relevant to the subject matter of the magazine. That is to say, whether its publication serves any preponderating social or public purpose, in relation to art, painting, medicine, research or reform of sex.

Violence not to be glorified

32) Newspapers/journalists shall avoid presenting acts of violence, armed robberies and terrorist activities in a manner that glorifies the perpetrators acts, declarations or death in the eyes of the public.

Glorification/encouragement of social evils to be eschewed

33) Newspapers shall not allow their columns to be misused for writings which have a tendency to encourage or glorify social evils like Sati Pratha or ostentatious celebrations.

Covering communal disputes/clashes

34) News, views or comments relating to communal or religious disputes/clashes shall be published after proper verification of facts and presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to communal harmony, amity and peace. Sensational, provocative and alarming headlines are to be avoided. Acts of communal violence or vandalism shall be reported in a manner as may not undermine the people's confidence in the law and order machinery of the State. Giving community-wise figures of the victims of communal riot, or writing about the incident in a style which is likely to inflame passions, aggravate the tension, or accentuate the strained relations between the communities/religious groups concerned, or which has a potential to exacerbate the trouble, shall be avoided.

Headings not to be sensational/provocative and must justify the matter printed under them:

35) In general and particularly in the context of communal disputes or clashes -

a. Provocative and sensational headlines are to be avoided;
b. Headings must reflect and justify the matter printed under them;
c. Headings containing allegations made in statements should either identify the body or the source making it or at least carry quotation marks.

Caste, religion or community references

36) In general, the caste identification of a person or a particular class should be avoided, particularly when in the context it conveys a sense or attributes a conduct or practice derogatory to that caste.

37) Newspapers are advised against the use of word ‘Scheduled Caste’ or ‘Harijan’ which has been objected to by some persons.

38) An accused or a victim shall not be described by his caste or community when the same does not have anything to do with the offence or the crime and plays no part either in the identification of any accused or proceeding, if there be any.

39) Newspaper should not publish any fictional literature distorting and portraying the religious characters in an adverse light transgression of the norms of literary taste and offending the religious susceptibilities of large sections of society who hold those characters in high esteem, invested with attributes of the virtuous and lofty.

40) Commercial exploitation of the name of prophets, seers or deities is repugnant to journalistic ethics and good taste.

Reporting on natural calamities

41) Facts and data relating to spread of epidemics or natural calamities shall be checked up thoroughly from authentic sources and then published with due restraint in a manner bereft of sensationalism, exaggeration, surmises or unverified facts.

Paramount national interest

42) Newspapers shall, as a matter of self-regulation, exercise due restraint and caution in presenting any news, comment or information which is likely to jeopardise, endanger or harm the paramount interests of the State and society, or the rights of individuals with respect to which reasonable restrictions may be imposed by law on the right to freedom of speech and expression under clause (2) of Article 19 of the Constitution of India.

43) Publication of wrong/incorrect map is a very serious offence, whatever the reason, as it adversely affects the territorial integrity of the country and warrants prompt and prominent retraction with regrets.

Newspapers may expose misuse of diplomatic immunity

44) The media shall make every possible effort to build bridges of co-operation, friendly relations and better understanding between India and foreign States. At the same time, it is the duty of a newspaper to expose any misuse or undue advantage of the diplomatic immunities.

Investigative journalism, its norms and parameters

45) Investigative reporting has three basic elements.

a. It has to be the work of the reporter, not of others he is reporting;
b. The subject should be of public importance for the reader to know;
c. An attempt is being made to hide the truth from the people.

(i) The first norm follows as a necessary corollary from

(a) that the investigative reporter should, as a rule, base his story on facts investigated, detected and verified by himself and not on hearsay or on derivative evidence collected by a third party, not checked up from direct, authentic sources by the reporter himself.

(ii) There being a conflict between the factors which require openness and those which necessitate secrecy, the investigative journalist should strike and maintain in his report a proper balance between openness on the one hand and secrecy on the other, placing the public good above everything.

(iii) The investigative journalist should resist the temptation of quickies or quick gains conjured up from half-baked incomplete, doubtful facts, not fully checked up and verified from authentic sources by the reporter himself.

(iv) Imaginary facts, or ferreting out or conjecturing the non-existent should be scrupulously avoided. Facts, facts and yet more facts are vital and they should be checked and cross-checked whenever possible until the moment the paper goes to press.

(v) The newspaper must adopt strict standards of fairness and accuracy of facts. Findings should be presented in an objective manner, without exaggerating or distorting, that would stand up in a court of law, if necessary.

(vi) The reporter must not approach the matter or the issue under investigation, in a manner as though he were the prosecutor or counsel for the prosecution. The reporter's approach should be fair, accurate and balanced. All facts properly checked up, both for and against the core issues, should be distinctly and separately stated, free from any one-sided inferences or unfair comments. The tone and tenor of the report and its language should be sober, decent and dignified, and not needlessly offensive, barbed, derisive or castigatory, particularly while commenting on the version of the person whose alleged activity or misconduct is being investigated. Nor should the investigative reporter conduct the proceedings and pronounce his verdict of guilt or innocence against the person whose alleged criminal acts and conduct were investigated, in a manner as if he were a court trying the accused.

(vii) In all proceedings including the investigation, presentation and publication of the report, the investigative journalist/newspaper should be guided by the paramount principle of criminal jurisprudence, that a person is innocent unless the offence alleged against him is proved beyond doubt by independent, reliable evidence.

(viii) The private life, even of a public figure, is his own. Exposition or invasion of his personal privacy or private life is not permissible unless there is clear evidence that the wrong doings in question have a reasonable nexus with the misuse of his public position or power and has an adverse impact on public interest.

(ix) Though the legal provisions of Criminal Procedure do not in terms, apply to investigating proceedings by a journalist, the fundamental principles underlying them can be adopted as a guide on grounds of equity, ethics and good conscience.

Confidence to be respected

46) If information is received from a confidential source, the confidence should be respected. The journalist cannot be compelled by the Press Council to disclose such source; but it shall not be regarded as a breach of journalistic ethics if the source is voluntarily disclosed in proceedings before the Council by the journalist who considers it necessary to repel effectively a charge against him/her. This rule requiring a newspaper not to publish matters disclosed to it in confidence, is not applicable where:

(a) consent of the source is subsequently obtained; or

(b) the editor clarified by way of an appropriate footnote that since the publication of certain matters were in the public interest, the information in question was being published although it had been made 'off the record'.

Caution in criticizing judicial acts

47) Excepting where the court sits 'in-camera' or directs otherwise, it is open to a newspaper to report pending judicial proceedings, in a fair, accurate and reasonable manner. But it shall not publish anything :-

- which, in its direct and immediate effect, creates a substantial risk of obstructing, impeding or prejudicing seriously the due administration of justice; or
- is in the nature of a running commentary or debate, or records the paper's own findings, conjectures, reflection or comments on issues, sub judice and which may amount to arrogation to the newspaper the functions of the court; or

- regarding the personal character of the accused standing trial on a charge of committing a crime.

Newspapers shall not, as a matter of caution, publish or comment on evidence collected as a result of investigative journalism, when, after the accused is arrested and charged, the court becomes seized of the case: Nor should they reveal, comment upon or evaluate a confession allegedly made by the accused.

48) While newspapers may, in the public interest, make reasonable criticism of a judicial act or the judgement of a court for public good; they shall not cast scurrilous aspersions on, or impute improper motives, or personal bias to the judge. Nor shall they scandalise the court or the judiciary as a whole, or make personal allegations of lack of ability or integrity against a judge.

49) Newspapers shall, as a matter of caution, avoid unfair and unwarranted criticism which, by innuendo, attributes to a judge extraneous consideration for performing an act in due course of his/her judicial functions, even if such criticism does not strictly amount to criminal Contempt of Court.

Newspapers to avoid crass commercialism

50) While newspapers are entitled to ensure, improve or strengthen their financial viability by all legitimate means, the Press shall not engage in crass commercialism or unseemly cut-throat commercial competition with their rivals in a manner repugnant to high professional standards and good taste.

51) Predatory price wars/trade competition among newspapers, laced with tones disparaging the products of each other, initiated and carried on in print, assume the colour of unfair 'trade' practice, repugnant to journalistic ethics. The question as when it assumes such an unethical character, is one of the fact depending on the circumstances of each case.

Plagiarism

52) Using or passing off the writings or ideas of another as one's own, without crediting the source, is an offence against ethics of journalism.

Unauthorised lifting of news

53) The practice of lifting news from other newspapers publishing them subsequently as their own, ill-comports the high standards of journalism. To remove its unethicality the ‘lifting’ newspaper must duly acknowledge the source the report. The position of feature articles is different from ‘news’: Feature articles shall not be lifted without permission proper acknowledgement.

54) The Press shall not reproduce in any form offending portions or excerpts from a proscribed book.

Non-return of unsolicited material

55) A paper is not bound to return unsolicited material sent for consideration of publication. However, when the same is accompanied by stamped envelope, the paper should make all efforts to return it.

Advertisements

56) Commercial advertisements are information as much as social, economic or political information. What is more, advertisements shape attitude and ways of life at least as much, as other kinds of information and comment. Journalistic propriety demands that advertisements must be clearly distinguishable from editorial matters carried in the newspaper.

57) Newspaper shall not publish anything which has a tendency to malign wholesale or hurt the religious sentiments of any community or section of society.

58) Advertisements which offend the provisions of the Drugs and Magical Remedies (Objectionable Advertisement) Act, 1954, should be rejected.

59)Newspapers should not publish an advertisement containing anything which is unlawful or illegal, or is contrary to good taste or to journalistic ethics or proprieties.

60) Newspapers while publishing advertisements, shall specify the amount received by them. The rationale behind this is that advertisements should be charged at rates usually chargeable by

a newspaper since payment of more than the normal rates would amount to a subsidy to the paper.

61) Publication of dummy advertisements that have neither been paid for, nor authorised by the advertisers, constitute breach of journalistic ethics.

62) Deliberate failure to publish an advertisement in all the copies of a newspaper offends against the standards of journalistic ethics and constitutes gross professional misconduct.

63) There should be no lack of vigilance or a communication gap between the advertisement department and the editorial department of a newspaper in the matter of considering the propriety or otherwise of an advertisement received for publication.

64) The editors should insist on their right to have the final say in the acceptance or rejection of advertisements, specially those which border on or cross the line between decency and obscenity.

65) An editor shall be responsible for all matters, including advertisements published in the newspaper. If responsibility is disclaimed, this shall be explicitly stated beforehand.

Guidelines on Specific Issues

Besides the Press Council of India from time to time issues guidelines of specific issues like:

A) Guidelines for observance by the Press in the wake of communal disturbances (1969)

Recognising that the Press which enjoys the utmost freedom of expression has a great and vital role to play in educating and moulding public opinion on correct lines in regard to the need for friendly and harmonious relations between the various communities and religious groups forming the fabric of Indian political life and in mirroring the conscience of the best minds of the country to achieve national solidarity, the Press Council of India considers that this object would be defeated, communal peace and harmony disturbed and national unity disrupted if the Press does not strictly adhere to proper norms and standards in reporting on or commenting on matters which bear on communal relations. Without attempting to be exhaustive, the Council considers the following as offending against journalistic proprieties and ethics:

1 Distortion or exaggeration of facts or incidents in relation to communal matters or giving currency to unverified rumours, suspicions or inferences as if they were facts and base their comments on them.

2 Employment of intemperate or unrestrained language in the presentation of news or views, even as a piece of literary flourish or for the purpose of rhetoric or emphasis.

3. Encouraging or condoning violence even in the face of provocation as a means of obtaining redress of grievances whether the same be genuine or not.

4. While it is the legitimate function of the Press to draw attention to the genuine and legitimate grievances of any community with a view to having the same redressed by all peaceful, legal and legitimate means, it is improper and a breach of journalistic ethics to invent grievances, or to exaggerate real grievances, as these tend to promote communal ill-feeling and accentuate discord.

5. Scurrilous and untrue attacks on communities, or individuals, particularly when this is accompanied by charges attributing misconduct to them as due to their being members of a particular community or caste.

6. Falsely giving a communal colour to incidents which might occur in which members of different communities happen to be involved.

7. Emphasising matters that are not to produce communal hatred or ill-will, or fostering feelings of distrust between communities.

8. Publishing alarming news which are in substance untrue or make provocative comments on such news or even otherwise calculated to embitter relations between different communities or regional or linguistic groups.

9. Exaggerating actual happenings to achieve sensationalism and publication of news which adversely affect communal harmony with banner headlines or in distinctive types.

10. Making disrespectful, derogatory or insulting remarks on

or reference to the different religions or faiths or their founders.

Guidelines Issued by the Press Council for Observance by the State Governments and the Media in Relation to Communal Disturbances (1991)

i. The State Government should take upon themselves the responsibility of keeping a close watch on the communal writings that might spark off tension, destruction and death, and bring them to the notice of the Council;
ii. The Government may have occasion to take action against erring papers or editors. But it must do so within the bounds of law. If newsmen are arrested, or search and seizure operations become necessary, it would be a healthy convention if such developments could be reported to the Press Council within 24 to 48 hours followed by a detailed note within a week;
iii. Under no circumstances must the authorities resort to vindictive measures like cut in advertisements, cancellation of accreditation, cut in newsprint quota and other facilities;
iv. Provocative and sensational headlines should be avoided by the Press;
v. Headings must reflect and justify the matter printed under them;
vi. Figures of casualties given in headlines should preferably be on the lower side in case or doubt about their exactness and where the numbers reported by various sources differ widely;
vii. Headings containing allegations made in statements should either identify the person/body making the allegation or, at least, should carry quotation marks;
viii. News reports should be devoid of comments and value judgement;
ix. Presentation of news should not be motivated or guided by partisan feelings, nor should it appear to be so;
x. Language employed in writing the news should be temperate and such as may foster feelings of amity among communities and groups;
xi. Corrections should be promptly published with due prominence and regrets expressed in serious cases; and

xii. It will help a great deal if in-service training is given to journalists for inculcation of all these principles.

Guidelines Issued by the Press Council on January 21-22, 1993 in the Wake of the Ram Janambhoomi -Babri Masjid Dispute[8]

1. Distortion or exaggeration of facts or incidents in relation to communal matters or giving currency to unverified rumours, suspicions or inferences as if they were facts and base their comment, on them.
2. Employment of intemperate or unrestrained language in the presentation of news or views, even as a piece of literary flourish or for the purpose of rhetoric or emphasis.
3. Encouraging or condoning violence even in the face of provocation as a means of obtaining redress of grievance whether the same be genuine or not.
4. While it is the legitimate function of the Press to draw attention to the genuine and legitimate grievances of any community with a view to having the same redressed by all peaceful legal and legitimate means, it is improper and a breach of journalistic ethics to invent grievances, or to exaggerate real grievances, as these tend to promote communal ill-feeling and accentuate discord.
5. Scurrilous and untrue attacks on communities, or individuals, particularly when this is accompanied by charges attributing misconduct to them as due to their being members of a particular community or caste.
6. Falsely giving a communal colour to incidents which might occur in which members of different communities happen to be involved.
7. Emphasising matters that are apt to produce communal hatred or ill-will, or fostering feelings of distrust between communities.
8. Publishing alarming news which are in substance untrue or make provocative comments on such news or even otherwise calculated to embitter relations between different communities or regional or linguistic groups.

9. Exaggerating actual happenings to achieve sensationalism and publication of news which adversely affect communal harmony with banner headlines or distinctive types.
10. Making disrespectful, derogatory or insulting remarks on or reference to the different religions or faiths or their founders.

B) Coverage of Handouts of Militants/Terrorists-Guiding Principles

Arising out of a complaint against publication of some ULFA handouts/threat notes[9] by a newspaper of Assam, the Press Council has enunciated some general principles for the guidance of the press. These are in tune with the recommendations of the Press Council of India Report on Punjab and Jammu & Kashmir, adopted by the Press Council in January, 1991.

These guiding principles considered by the Council in September 1992 are as follows:

Dictates or "Press Notes" commanding newspapers to publish them, under duress or threats of dire consequence, emanating from elements wedded to violence constitute "the gravest assault on the freedom of the Press, which is one of the surest guarantors of a democratic and plural society". Generally, such dictates or Notes are not newsworthy per se. Their publication tends to demoralise the public and to affect adversely public, police and security. The publication not only compromises the freedom and independence of the newspaper concerned, but also constitutes an offence against the standards of journalistic ethics and professional responsibility.

This is not to say that if there is anything newsworthy in a "Press Note" emanating from any source, it should be blacked-out altogether, because 'self-censorship' may be "no less dangerous for being insidious". The essential point is that editors must exercise due caution and circumspection in considering the dissemination of such Press Notes. If the whole of the Note is not pernicious, then it may be edited, its objectionable portions removed and language toned down so that whatever is true newsworthy gets disseminated in a balanced manner. However, where the "news" and the objectionable portions are inextricably mixed up, violating the entire warp and woof of the "Press Note", it will be prudent to withhold its publication altogether.

This is not an easy way out, as the media's experience of militancy in Punjab has amply demonstrated. More than 50 media personnel have lost their lives in terrorist attacks and ignoring a militant press note can lead and has often led, to death of innocent and defenceless media persons. Any show of editorial defence and courage is likely to be seen by defenceless employees of newspapers as exposing them to avoidable dangers. Editors and proprietors under these circumstances have little room for maneuvers.

A workable expedient that proved useful in Punjab, is for the government to be in close touch with newspapers so that objectionable and anti-national press notes from groups swearing by violence could be removed from newspapers before publication. Even though this may be seen as a form of pre-censorship, this arrangement saved lives and spared newspapers from difficult and delicate choices.

There is however a danger of a willful administration using this process to muzzle the press and misuse its authority under the law to define "objectionable material" on its own terms. Strict procedures must therefore be laid down. Orders passed under any legislation in this regard from time to time in relation to publication of allegedly "objectionable matter" should be subjected to some kind of appellate review so as to curb any propensity to arbitrary action. The principal legislation and rules made thereunder should also be periodically reviewed in the light of changing circumstances. These safeguards should be built into all such press legislation.

C) AIDS AND THE MEDIA (1993)

The mass media should help set an agenda for the country to fight the AIDS pandemic in co-ordination with the Government, the medical profession and the voluntary agencies. So far, the media in India have treated AIDS more as news than as a growing menace and scourge threatening both human lives and dignity.

An exploratory content-analysis study conducted by the Operations Research Group during 1989-90 revealed the inadequacy of print media coverage on AIDS in India. The coverage of prominent urban dailies focussed more on clinical diagnostic research on AIDS in western countries, and little on the AIDS problem in India and its social implications. There were very few independent reports on AIDS and the sources of most stories were international agencies. Further, most stories were located in inside pages or in supplements, and, content-wise were superficial in nature. Since the disclosures of the survey, until 1992, the quality and quantity of newspaper coverage on AIDS in India has not changed much while the relative quantity of AIDS coverage is on the rise, and while a greater recognition exists on the part of the print media about the problem of AIDS in India, newspapers are to quote experts, still "reactive" rather than "proactive".

From sporadic news, AIDS must become a campaign target for our mass media with the following components of Do's and Don'ts:

* Media must inform and educate the people, not alarm or scare them. The emphasis must be on HIV (Human Immunodeficiency Virus) can be prevented from going into unaffected humans. AIDS takes around 10 years to develop and HIV is a virus which does not survive for long outside a body. Thus it is not spread by casual contact, hugging or kissing or through food or water or through insects.
* Media must hammer home the point that AIDS through sexual transmission or blood infection can be prevented through minimum precaution such as use of condoms in sex, and sterilisation of skin-piercing instruments and their prompt disposal after use.
* Media must report every case pertaining to AIDS be it positive or negative. There must be constant liaison between the media and the medical profession to report on latest developments and research findings.
* Media must highlight and crusade against such practice as quarantine, isolation and ostracism of AIDS patients. Besides being an affront to human dignity, those practices will not help minimise AIDS infection, and are injurious to public health as: "they give a false sense of security to people outside the stigmatised group that the treatment of infection has been removed and the need for precaution minimised. Also, such

practices will drive the AIDS problem underground and make the campaign against the scourge more difficult.

* Community education, using all the latest expertise of mass education and behavioural scientists and media experts, has to play a crucial role in spreading the message about preventing this dreaded infection. Option builders of the society (political and religious leaders, movie and sports personalities, other famous persons) must take the leadership in educating the public about AIDS and how to avoid contacting this infection. Innovative use of media and a positive reporting attitude of media will go a long way in making AIDS awareness campaign a success.

* Media must force the authorities to impose rigorous blood-testing norms on prostitutes and issue periodical warning to the public about areas where the incidence of AIDS had high probability.

* Media must help the authorities in eliminating commercial blood collection and pre-testing of all blood donors for HIV and other diseases.

* Media must, as a rule, respect the right to privacy of AIDS patients and must not subject them to needless exposure and social stigma.

* Every mass medium must observe the terms of the final document of the international consultation of AIDS and human rights, and promptly report the violation of such rights protecting the basic human rights to life and liberty, privacy and freedom of movement.

D) Guidelines for Financial Journalists

The Press Council of India has counseled reporters/financial journalists/newspaper establishments to refrain from receiving any gifts/ grants/concessions/facilities, etc., either in cash or kind, which are likely to compromise free and unbiased reporting on financial matters.

2. The Council in its Report has observed that the financial journalists today enjoy considerable influence over readers' minds and, therefore, they owe it to them to present a balanced and objective view of the financial dealings, status and prospects of a

company. It observed that some companies are given excessive news coverage in the newspapers/magazines because they have issued advertisements to that print media. Sometimes, adverse reports are published of those companies, which do not give advertisements to the newspapers or magazines. Again, when a media unit is not happy with any company/ management for whatever reason, the negative aspects of the company are highlighted, while in the reverse situation, no negative aspects are brought to light. Some companies are also known to give gifts, loans, discounts, preferential shares, etc., to certain financial journalists to receive favourable and positive reports of the companies. At the same time, there is no mechanism for investors' education or for raising public opinion against such unhealthy practices.

3. The Council, feeling concerned over the malpractice in the Corporate Sector and after holding detailed deliberations and discussions with the representatives of financial institutions and journalists, has recommended the guidelines enumerated below for observance by the financial journalists:

1) The financial journalists should not accept gifts, loans, trips, discounts, preferential shares or other considerations, which compromise or are likely to compromise his position.
2) It should be mentioned prominently in the report about any company that the report is based on information given by the company or the financial sponsors of the company.
3) When the trips are sponsored for visiting establishments of a company, the author of the report who has availed of the trip must state invariably that the visit was sponsored by the company concerned and that it had also extended the hospitality as the case may be.
4) No matter related to the company should be published without verifying the facts from the company and the source of such report should also be disclosed.
5) A reporter, who exposes a scam or brings out a report for promotion of a good project, should be encouraged and awarded.
6) A journalist who has financial interests such as share holdings, stock holdings, etc., in a company, should not report on that company.

7) The journalist should not use for his own benefit or for the benefit of his relations and friends, information received by him in advance for publication.
8) No newspaper owner, editor or anybody connected with a newspaper should use his relations with the newspaper to promote his other business interests.
9) Whenever there is an indictment of a particular advertising agency or advertiser by the Advertising Council of India, the newspaper in which the advertisement was published must publish the news of indictment prominently.

E) Guidelines expected to be observed by the newspapers, journalists, etc., while publishing reports on elections

General Election is a very important feature of our democracy and it is imperative that the media transmits to the electorate fair and objective reports of the election campaign by the contesting parties. Freedom of the Press depends to a large measure on the Press itself behaving with a sense of responsibility. It is, therefore, necessary to ensure that the media adheres to this principle of fair and objective reporting of the election campaign.

2. The Press Council has, therefore, formulated the following guidelines to the media for observance during elections:

1. It will be the duty of the Press to give objective reports about elections and the candidates. The newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. In practice, two or three closely contesting candidates attract all the media attention. While reporting on the actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent.
2. Election campaign along communal or caste lines is banned under the election rules. Hence, the Press should eschew reports which tend to promote feelings of enmity or hatred between people on the ground of religion, race, caste, community or language.
3. The Press should refrain from publishing false or critical statements in regard to the personal character and conduct of

any candidate or in relation to the candidature or withdrawal of any candidate or his candidature, to prejudice the prospects of that candidate in the elections. The Press shall not publish unverified allegations against any candidate/party.

4. The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept hospitality or other facilities offered to them by or on behalf of any candidate/party.
5 The Press is not expected to indulge in canvassing of a particular candidate/party. If it does, it shall allow the right of reply to the other candidate/party.
6. The Press shall not accept/publish any advertisement at the cost of public exchequer regarding achievements of a party/ government in power.
7. The Press shall observe all the directions/orders/instructions of the Election Commission/Returning Officers or Chief Electoral Officer issued from time to time.

F) Guidelines on 'Pre-poll' and 'Exit-polls' Survey

The Press Council of India having considered the question of desirability or otherwise of publication of findings of pre-poll surveys and the purpose served by them, is of the view that the newspapers should not allow their forum to be used for distortions and manipulations of the elections and should not allow themselves to be exploited by the interested parties.

The Press Council, therefore, advises that in view of the crucial position occupied by the electoral process in a representative democracy like ours, the newspapers should be on guard against their precious forum being used for distortions and manipulations of the elections. This has become necessary to emphasize today since the print media is sought to be increasingly exploited by the interested individuals and groups to misguide and mislead the unwary voters by subtle and not so subtle propaganda on casteist, religious and ethnic basis as well as by the use of sophisticated means like the alleged pre-poll surveys. While the communal and seditious propaganda is not difficult to detect in many cases, the interested use of the pre-poll survey, sometimes deliberately planted, is not so easy to uncover. The Press Council, therefore, suggests that whenever the newspapers publish pre-poll surveys, they should take care to preface them conspicuously by indicating the institutions which have carried such surveys, the individuals and organisations which have commissioned the surveys, the size and nature of sample selected, the method of selection of the sample for the findings and the possible margin of error in the findings.

2. Further in the event of staggered poll dates, the media is seen to carry exit-poll surveys of the polls already held. This is likely to influence the voters where the polling is yet to commence. With a view to ensure that the electoral process is kept pure and the voters' minds are not influenced by any external factors, it is necessary that the media does not publish the exit-poll surveys till the last poll is held.

3. The Press Council, therefore, requests the Press to abide by the following guideline in respect of the exit-polls.

No newspaper shall publish exit-poll surveys, however, genuine they may be, till the last of the polls is over.

World Association of Press Councils

Indian Press Council has played an important role in establishment of World Association of Press Councils.

Efforts for the establishment of an umbrella organisation of Press Councils and similar bodies committed to championing the cause of free speech and freedom of a responsible press were initiated in 1985 at the First International Conference of Press Councils and Similar Bodies at Kuala Lumpur, Malaysia, organised by Mr. R.Gunasingam, President of UNESCO National Association, Malaysia. The prime mover of the proposal was the then Chairman of the Press Councils of India Justice A.N.Grover. This conference adopted a Declaration that is now known as the 'Kuala Lumpur Declaration 1985'.

This declaration codified the following principles:

(1) The conference affirms that the right of free speech is a fundamental and inviolable human right. Freedom of the press is an essential corollary of that right. That freedom is neither a proprietary right of the publishers nor a privilege of journalists; it is the right of the people to be informed.

(2) Freedom of the press imposes a corresponding responsibility upon the press, involving the acceptance of and compliance with high ethical standards by editors and journalists.

(3) The institution of Press Councils and similar bodies is a desirable method whereby the freedom of the press, and the corresponding responsibility of the press may be developed and enhanced.

(4) Differing views were expressed as to the desirable form of a Press Council or a similar bodies. The conference determined that the method where a Press Council or a similar body is constituted, is a matter for each country or region, and will necessarily reflect such factors as its legal traditions, constitution, socio-economic development, culture and civilization. However constituted, a Press Council or a similar body must be autonomous and independent of government or any other outside interference.

(5) Conferences and seminars of Press Council an similar bodies, whereby delegated may exchange and learn from the experience of others, are of inestimable value for the work of those bodies. The conferences should be held periodically to provide forum for consultation and cooperation, with due respect to the principles of equality and no interference in each other's affairs.

The efforts were given a further shape at the second conference in 1989 also held at Kuala Lumpur and a committee was set up under the Chairmanship of Prof. David Flint, Chairman of Australian Press Council. WAPC took shape at the Third International Conference held in New Delhi in October 1992, when its constitution was formally adopted and signed. According to the Constitution the objectives of WAPC are:

to maintain and promote the institution of free and responsible press and media;

to encourage, maintain and promote the institution of independent Press Councils' pursuance of the Kuala Lumpur Declaration as well as the office of the press ombudsman and appropriate bodies to assist in ensuring freedom, the responsibility and the accountability of the press;

to support the principles of the Kuala Lumpur Declaration;

to disseminate information on the concept of the Press Councils as a democratic, efficient, and inexpensive facility for the hearing of complaints against and by the press;

to provide an organisation through which Press Councils and similar bodies may discuss, compare and exchange information and facilitate liaison;

to undertake such other activities as may be determined from time to time in pursuance of these objects, to seek and obtain finance, as appropriate, to sustain and promote these objectives.

The first President of the Association was the late Lord McGreor of Durres, the then Chairman of the British Press Complaint Commission. In 1996, Mr. Justice P.B.Sawant, Chairman of the Press Council of India, succeeded him for a six-year term. Prof. David Flint[10] of Australia is the Chairman of the Executive Council of WAPC. He says, "There is obviously a campaign to divide Statutory Press Councils from other Press Councils. (Most others were established by the press itself, a few by individuals committed to the public interest.) The point is that just as the independence of Statutory Councils can be compromised, so can the independence of other Press Councils. The method whereby a Press Council or a similar body is constituted is a matter for each country or region, and will necessarily reflect such factors as its traditions, constitution, socio-economic development, culture and civilization. However constituted, the WAPC believes a Press Council or a similar body must be autonomous and independent of government or any other outside interference. This is in fact a condition of membership of the WAPC."[11]

Notes and References

[1] Rajiv Gandhi wanted to strengthen defamation provisions but had to withdraw Defamation Bill under public pressure.

[2] For example the defamation case filed by Shri J.B.Patnaik, when he was Chief Minster of Orissa against the Illustrated Weekly of India ended with apology after several years.

[3] Article 19(1) of Indian Constitution.

[4] Government of India, Report of the Press Commission, 1954

[5] Chairman's Foreword, First Annual Report, 1979, Press Council of India.

[6] The Second Press Commission was appointed post Emergency Janata Party Government, but as it could not submit report before Mrs Indira Gandhi

came back to power, it was reconstituted and gave its report under a different Chairman.

[7] Justice A.N.Grover's Foreword, First Annual Report, 1979, Press Council of India.

[8] This disputed structure in Ayodhya was destroyed leading to communal tension and riots at several places in India.

[9] Terrorists organisations in various parts of the country used the media to threaten public. They issues instructions and threatened with death who did not abide by their dictates. Theses instructions ranged from what women or school children should wear to how journalists should refer to them when writing about them.

[10] Who has been Chairman of Australian Press Council for 12 years and is now Chairman of Australian Broadcasting Authority.

[11] As quoted by R. Gunasingam, Secretary General, WAPC in an e-mail dated 6 September 2003.

Broadcasting

Governments, historically, were more concerned with broadcasting than with the other mass media. To a greater or lesser degree the radio and television services of all countries become subject to some Government involvement. Early in the development of radio it was recognised that the persuasive power of the medium[1] and its reach is unprecedented. Broadcast message cannot be intercepted and confiscated in transit. Moreover, the small number of wavelengths[2] then available raised the danger that the first in the field might establish a monopoly. These fears persisted with television also.

Broadcast systems in different countries have evolved differently. In the United States and Latin America, private management dominates the broadcast scene. In the United Kingdom there has been oligopoly of a public corporation and public authority. In Italy, Sweden and Switzerland there is partnership of public authority, Government and private interests in varying degrees. Most of the developing and Eastern European countries had state-owned broadcast systems until the revolution in the satellite television, which made it difficult to regulate.

SWEDEN

As a matter of principle what should apply to the Press should apply to radio and television also. But that happens perhaps only in Sweden where there is a common code of ethics. The Code of Ethics for the Press, Radio and Television was adopted by the Co-operation Council of the Press originally in 1978, revised in September 1995. The Cooperation council consists of the Publishers' Club[3], the Swedish Journalists' Union[4], the Swedish Newspaper Publishers' Association[5], Sweden's public radio[6], Sweden's public television[7], Educational radio[8] and the Radiobroadcasters' Union,[9] It says:

The press, radio and television shall have the greatest possible degree of freedom, within the framework of the Freedom of the Press Act and the constitutional right of freedom of speech, in order to be able to serve as disseminators of news and as scrutinizers of public affairs. In this connection, however, it is important that the individual be protected from unwarranted suffering as a result of publicity.

Ethics does not consist primarily in the application of a formal set of rules but in the maintenance of a responsible attitude in the exercise of journalistic duties. The code of ethics for the press, radio and television is intended to provide support for this attitude.

I. Rules on Publicity

Provide accurate news

1. The role played by the media in society and the confidence of the general public in them require accurate and objective news reports.

2. Be critical of news sources. Check facts as carefully as possible in the light of the circumstances even if they have been published earlier. Allow the reader/ listener/ viewer the possibility of distinguishing between statements of fact and comments.

3. News menus, headlines and leads must correspond to the story.

4. Make sure of the authenticity of pictures. See to it that pictures and graphics are accurate and are not used in a misleading way.

Treat rebuttals generously

5. Factual errors are to be corrected when requested. Anyone wishing to rebut a statement shall, if this is legitimate, be given the opportunity to do so. Corrections and rebuttals shall be published promptly in appropriate form, in such a way that they will come to the attention of those who received the original information. It should be noted that a rebuttal does not always call for an editorial comment.

6. Publish without delay statements of censure issued by the Swedish Press Council in cases concerning your own newspaper.

Respect individual privacy

7. Be careful in giving publicity where it can violate an individual's privacy. Refrain from such action unless it is clearly in the public interest.

8. Exercise great caution in publishing notices concerning suicide and attempted suicide, particularly out of consideration for the feelings of relatives and in view of what has been said above concerning the privacy of the individual.

9. Always show the greatest possible consideration for victims of crime and accidents. Carefully check names and pictures for publication out of consideration for the victims and their relatives.

10. Do not emphasize race, sex, nationality, occupation, political affiliation or religion in the case of the persons concerned if such particulars are not important in the context or are disparaging.

Exercise care in the use of pictures

11. Where applicable, these rules also apply to pictures.

12. Doing a montage, retouching a picture electronically, or writing the caption of a picture should not be done in such a way as to mislead or deceive the reader. Always state, close to the picture, whether it has been altered by montage or retouching. This also applies when such material is filed.

Listen to each side

13. Endeavor to give people who are criticized in a factual report the opportunity to reply to the criticism simultaneously. Endeavor also to state the views of all parties involved. Keep in mind that the sole purpose of some reports may be to cause harm to the subjects of the reports.

14. Remember that, in the eyes of the law, a person suspected of an offence is always presumed to be innocent until proven guilty. The final outcome of a case that is described should be reported.

Be cautious in publishing names

15. Give careful thought to the harmful consequences that

might follow for people if their names are published. Refrain from publishing names unless it is clearly in the public interest.

16. If a person's name is not to be stated, refrain from publishing a picture or specifics of occupation, title, age, nationality, sex, etc., which would enable the person in question to be identified.

17. Bear in mind that the entire responsibility for publication of names and pictures rests with the publisher of the material.

II. Professional Rules

The integrity of the journalist

1. Do not accept an assignment from anyone outside the editorial staff leaders.

2. Do not accept an assignment or an invitation, a free trip or any other benefit either in or outside your job, that could bring in question your status as a free and independent journalist.

3. Do not use your position as a journalist in order to exert pressure for your own or someone else's profit or in order to acquire personal benefits.

4. Do not utilize, for your own or someone else's profit, unpublished news concerning economic conditions or measures by state, municipalities, organizations, companies or private persons.

5. Bear in mind the provision in the Collective Contract for Journalists according to which a journalist cannot be ordered to write against his/ her conviction or to carry out humiliating assignments.

Obtaining of material

6. Comply with reasonable wishes from persons interviewed to find out beforehand how and where their statements will be published.

7. Show particular consideration with people not used to being interviewed. Inform him/her whether the conversation is intended for publication or only for background.

8. Do not falsify interviews or pictures.

9. Show consideration in taking photographs and in procuring them, especially in connection with accidents and crimes.

10. Do not yield to outside pressure intending to prevent or restrict justified publishing.

11. Observe copyright as well as quotation rules and rights to photographs.

12. Indicate the source when the published material is mainly based on information from other parts.

Time of press releases

13. Respect the agreed times of releases (embargos)[10].

III. Rules Against Editorial Advertising

Main rule

Protect the public's trust for the press, radio and television as well as their integrity. Do not make the general public suspicious that anybody might improperly influence the content of a program or story. Therefore do not publish or present within editorial material anything that is not motivated by journalism. This implies that material published must not have an advertising purpose: it must have informative qualities or be motivated by entertaining or artistic reasons.

General regulations

1. Frame the material only in accordance to journalistic and/ or program-related decisions. Your intention must never be to give publicity to any products or services; neither can the presentation of the material be such that the audience think it is commercial by nature. Beware that the commercial material should not be mixed with the editorial material, in the slightest.

2. Dismiss ideas and proposals of articles and programs if they include in return, as a favor, advertisement in any form. As a principle, also dismiss offers of free or heavily subsidized trips. Reject gifts and other benefits. Never promise beforehand that you are going to publish anything.

3. Articles and programs informing consumers put specially heavy demands on journalistic integrity. Therefore show how the choice of the products/ services in the article/ program has been made. Make it clear how the products/ services have been compared

or tested. Be particularly careful and critical when dealing with reviews of products. Avoid bias in informing about limited groups of products or only about one provider of products/ services, warehouses, shops, restaurants etc.

4. Put information about theatre shows, concerts, films, art exhibitions, sport events and such through a normal journalistic evaluation to determine the value of it as news. Look critically through the material and make sure that it is given in a journalistically motivated form. Consider carefully whether information and pictures about new companies and shops or such have news value.

5. Only mention companies and organizations that donate prizes, or take part in any other way, for example, as a sponsor at parties, competitions, carnivals, charity balls and such, if there are very strong journalistic reasons to do so.

6. Do not publish/ present on editorial space information about the rights and obligations of individuals and other public messages that state or municipal authorities demand or wish to see published. Broadcasting companies are subject to the rules on messages by the authorities that may exist in contracts between the broadcasting company and the State and in internal instructions related to that. Reject from the editorial space data about companies and organizations, such as opening hours, product demonstrations, prize competitions or other arrangements that are not journalistically motivated.

7. Advertisements by newspapers or broadcasting companies for their own products and services shall be presented as advertisements.

8. When using material (cars, boats, clothing, furniture, kitchen equipment etc) for photographing purposes, only mention the names of the producers or retailers if there are journalistic reasons for it.

9. Special editorial pages and supplements in newspapers must be journalistically motivated. Overviews such as “the job market”, “the boat market”, “the house market”, “the car market” and such, which might be considered as advertisements or which imply that the products and services are offered for sale, must be presented as commercials.

10. Lists of entrepreneurs and suppliers at building companies presented in the newspaper must take a form of an advertisement.

RTNDA Code

The Radio-Television News Directors Association is the world's largest professional organization devoted exclusively to electronic journalism. RTNDA represents local and network news executives in broadcasting, cable and other electronic media in more than 30 countries.

It is made up of more than 3,000 news directors, news associates, educators and students. Founded as a grassroots organization in 1946, its purpose was to set standards of news gathering and reporting. Although news techniques and technologies have changed since the early years of its founding, RTNDA's commitment to encouraging excellence in the electronic journalism industry remains the same. Its current code was adopted at RTNDA2000 in Minneapolis September 14, 2000:

The Radio-Television News Directors Association,[11] wishing to foster the highest professional standards of electronic journalism, promote public understanding of and confidence in electronic journalism, and strengthen principles of journalistic freedom to gather and disseminate information, establishes this Code of Ethics and Professional Conduct.

Preamble

Professional electronic journalists should operate as trustees of the public, seek the truth, report it fairly and with integrity and independence, and stand accountable for their actions.

PUBLIC TRUST: Professional electronic journalists should recognize that their first obligation is to the public.

Professional electronic journalists should:

- Understand that any commitment other than service to the public undermines trust and credibility.
- Recognize that service in the public interest creates an obligation to reflect the diversity of the community and guard against oversimplification of issues or events.

- Provide a full range of information to enable the public to make enlightened decisions.
- Fight to ensure that the public's business is conducted in public.

TRUTH: Professional electronic journalists should pursue truth aggressively and present the news accurately, in context, and as completely as possible.

Professional electronic journalists should:

- Continuously seek the truth.
- Resist distortions that obscure the importance of events.
- Clearly disclose the origin of information and label all material provided by outsiders.

Professional electronic journalists should not:

- Report anything known to be false.
- Manipulate images or sounds in any way that is misleading.
- Plagiarize.
- Present images or sounds that are reenacted without informing the public.

FAIRNESS: Professional electronic journalists should present the news fairly and impartially, placing primary value on significance and relevance.

Professional electronic journalists should:

- Treat all subjects of news coverage with respect and dignity, showing particular compassion to victims of crime or tragedy.
- Exercise special care when children are involved in a story and give children greater privacy protection than adults.
- Seek to understand the diversity of their community and inform the public without bias or stereotype.
- Present a diversity of expressions, opinions, and ideas in context.
- Present analytical reporting based on professional perspective, not personal bias.
- Respect the right to a fair trial.

INTEGRITY: Professional electronic journalists should present the news with integrity and decency, avoiding real or perceived conflicts of interest, and respect the dignity and intelligence of the audience as well as the subjects of news.

Professional electronic journalists should:

- Identify sources whenever possible. Confidential sources should be used only when it is clearly in the public interest to gather or convey important information or when a person providing information might be harmed. Journalists should keep all commitments to protect a confidential source.
- Clearly label opinion and commentary.
- Guard against extended coverage of events or individuals that fails to significantly advance a story, place the event in context, or add to the public knowledge.
- Refrain from contacting participants in violent situations while the situation is in progress.
- Use technological tools with skill and thoughtfulness, avoiding techniques that skew facts, distort reality, or sensationaliz events.
- Use surreptitious newsgathering techniques, including hidden cameras or microphones, only if there is no other way to obtain stories of significant public importance and only if the technique is explained to the audience.
- Disseminate the private transmissions of other news organizations only with permission.

Professional electronic journalists should not:

- Pay news sources who have a vested interest in a story.
- Accept gifts, favors, or compensation from those who might seek to influence coverage.
- Engage in activities that may compromise their integrity or independence.

INDEPENDENCE: Professional electronic journalists should defend the independence of all journalists from those seeking influence or control over news content.

Professional electronic journalists should:

- Gather and report news without fear or favor, and vigorously resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals, and special interest groups.
- Resist those who would seek to buy or politically influence news content or who would seek to intimidate those who gather and disseminate the news.

- Determine news content solely through editorial judgment and not as the result of outside influence.
- Resist any self-interest or peer pressure that might erode journalistic duty and service to the public.
- Recognize that sponsorship of the news will not be used in any way to determine, restrict, or manipulate content.
- Refuse to allow the interests of ownership or management to influence news judgment and content inappropriately.
- Defend the rights of the free press for all journalists, recognizing that any professional or government licensing of journalists is a violation of that freedom.

ACCOUNTABILITY: Professional electronic journalists should recognize that they are accountable for their actions to the public, the profession, and themselves.

Professional electronic journalists should:

- Actively encourage adherence to these standards by all journalists and their employers.
- Respond to public concerns. Investigate complaints and correct errors promptly and with as much prominence as the original report.
- Explain journalistic processes to the public, especially when practices spark questions or controversy.
- Recognize that professional electronic journalists are duty-bound to conduct themselves ethically.
- Refrain from ordering or encouraging courses of action that would force employees to commit an unethical act.
- Carefully listen to employees who raise ethical objections and create environments in which such objections and discussions are encouraged.
- Seek support for and provide opportunities to train employees in ethical decision-making.

In meeting its responsibility to the profession of electronic journalism, RTNDA has created this code to identify important issues, to serve as a guide for its members, to facilitate self-scrutiny, and to shape future debate.

NAB Statement of Principles

The following Statement of Principles of radio and television broadcasting was adopted by the Board of Directors of the National Association of Broadcasters on behalf of the Association and commercial radio and television stations it represents.[12] In the preface it is said, "The Board issues this statement of principles to record and reflect what it believes to be the generally-accepted standards of America's radio and television broadcasters. The Board feels that such a statement will be particularly useful at this time, given public concern about certain serious societal problems, notably violence and drug abuse."

Principles Concerning Program Content

Responsibly exercised artistic freedom

The challenge to the broadcaster often is to determine how suitably to present the complexities of human behavior without compromising or reducing the range of subject matter, artistic expression or dramatic presentation desired by the broadcaster and its audience. For television and for radio, this requires exceptional awareness of considerations peculiar to each medium and of the composition and preferences of particular communities and audiences.

Each broadcaster should exercise responsible and careful judgement in the selection of material for broadcast. At the same time each broadcast licensee must be vigilant in exercising and defending its rights to program according to its own judgements and to the programming choices of its audiences. This often may include the presentation of sensitive or controversial material.

In selecting program subjects and themes of particular sensitivity, great care should be paid to treatment and presentation, so as to avoid presentations purely for the purpose of sensationalism or to appeal to prurient interest or morbid curiosity.

In scheduling programs of particular sensitivity, broadcasters should take account of the composition and the listening or viewing habits or their specific audiences. Scheduling generally should consider audience expectations and composition in various time periods.

Responsibility In Children's Programming

Programs designed primarily for children should take into account the range of interests and needs of children from informational material to wide variety of entertainment material. Children's programs should attempt to contribute to the sound, balanced development of children and to help them achieve a sense of the world at large.

Special Program Principles

1. Violence.

   Violence, physical or psychological, should only be portrayed in a responsible manner and should not be used exploitatively. Where consistent with the creative intent, programs involving violence should present the consequences of violence to its victims and perpetrators.

   Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.

   The use of violence for its own sake and the detailed dwelling upon brutality or physical agony, by sight or by sound, should be avoided.

   Particular care should be exercised where children are involved in the depiction of violent behavior.
2. Drugs and Substance Abuse.

   The use of illegal drugs or other substance abuse should not be encouraged or shown as socially desirable.

   Portrayal of drug or substance abuse should be reasonably related to plot, theme or character development. Where consistent with the creative intent, the adverse consequences of drug or substance abuse should be depicted.

   Glamorization of drug and substance abuse should be avoided.
3. Sexually Oriented Material.

   In evaluating programming dealing with human sexuality, broadcasters should consider the composition and expectations of the audience likely to be viewing or listening to their stations and/or to a particular program, the context in which sensitive material is presented and its scheduling.

> Creativity and diversity in programming that deals with human sexuality should be encouraged. Programming that purely panders to prurient or morbid interests should be avoided.
>
> Where significant child audience can be expected, particular care should be exercised when addressing sexual themes.
>
> Obscenity is not constitutionally-protected speech and is at all times unacceptable for broadcast.
>
> All programming decisions should take into account current federal requirements limiting the broadcast of indecent matter.

This statement of principles is, of necessity, general and advisory rather than specific and restrictive. There will be no interpretation or enforcement of these principles by NAB or others. They are not intended to establish new criteria for programming decisions, but rather to reflect generally-accepted practices of America's radio and television programmers. They similarly are not in any way intended to inhibit creativity in or programming of controversial, diverse or sensitive subjects.

Specific standards and their applications and interpretations remain within the sole discretion of the individual television or radio licensee. Both NAB and the stations it represents respect and defend the individual broadcast's First Amendment rights to select and present programming according to its individual assessment of the desires and expectations of its audiences and of the public interests.

UNITED KINGDOM

The Broadcasting Standards Commission is the statutory body for both standards and fairness in broadcasting. It is the only organisation within the regulatory framework of UK broadcasting to cover all television and radio, both terrestrial and satellite. This includes text, cable and digital services. It has three main tasks, as established by the Broadcasting Act, 1996. These are:

— to produce codes of conduct relating to standards and fairness;

— to consider and adjudicate on complaints;

— to monitor, research and report on standards and fairness in broadcasting.

The Communications Bill, currently making its way through Parliament, will merge the functions of the existing five regulatory bodies: The Broadcasting Standards Commission, the Independent Television Commission, Oftel, the Radio Authority and the Radio communications Agency, to the Office of Communications (Ofcom).

Ofcom was scheduled to be operational by the end of 2003. Ofcom will have regulatory powers covering broadcasting, telecommunications networks and the radio[13] spectrum.

However, British Broadcasting Standards Commission's Code on Fairness and Privacy effective from January 1, 1998 gives an idea of the issues involved:

1. In any democratic society, there are balances to be struck between the citizen's right to receive information and ideas, and the responsibilities of broadcasters and journalist to behave reasonably and fairly and not to cause an unwarranted infringement of a citizen's basic right to privacy.

The guidelines in this Code cannot resolve that dilemma. But it sets out what the Broadcasting Standards Commission considers are the principles to be observed and practices to be followed by all broadcasters (including the providers of teletext services) to avoid unjust or unfair treatment in radio and television programmes, and to avoid the unwarranted infringement of privacy in the making the broadcasting of such programmes. Broadcasters and broadcasting regulatory bodies should reflect this guidance in their own codes and guidelines.

The Commission will, as required by the Act, take the provisions of this Code into account as it considers complaints, and the Code will be revised, as necessary, in the light of its experience. But the guidance in a code can never be exhaustive. Whether the needs of fairness and privacy have been met can only be judged by considering each particular case in the light of the information the broadcaster had available after diligent research at the time the programme was made or broadcast.

Fairness

2. Broadcasters have a responsibility to avoid unfairness to individuals or organisations features in programmes in particular

through the use of inaccurate information or distortion, for example, by the unfair selection or juxtaposition of material taken out of context, whether specially recorded for a programme, or taken from library or other sources. Broadcasters should avoid creating doubts on the audience's part as to what they are being shown if it could mislead the audience in a way which would be unfair to those featured in the programme.

Dealing Fairly with Contributors

3. From the outset, broadcasters should ensure that all programme-makers, whether in-house or independent, understand the need to be straightforward and fair in their dealings with potential participants in factual programmes, in particular by making clear, wherever practicable, the nature of the programme and its purpose and, whenever appropriate, the nature of their contractual rights. Many potential contributors will be unfamiliar with broadcasting and therefore may not share assumptions about programme-making which broadcasters regard as obvious.

4. Contributors should be dealt with fairly. Where they are invited to make a significant contribution to a factual programme they should:

(i) be told what the programme is about;
(ii) be given a clear explanation of why they were contacted by the programme;
(iii) be told what kind of contribution they are expected to make - for example by way of an interview or as part of a discussion.
(iv) be informed about the areas of questioning, and, wherever possible, the nature of other likely contributions.
(v) be told whether their contribution is to be live or recorded, and, if recorded, whether it is likely to be edited.
(vi) not be coached or pushed or improperly induced into saying anything which they know not to be true or do not believe to be true;
(vii) whenever appropriate, be made aware of any significant changes to the programme as it develops which might reasonably affect their original consent to participate, and cause material unfairness; and

(viii) if offered an opportunity to preview the programme, be given clear information about whether they will be able to effect any change in the programme.

The requirements of fairness in news reports pose particular challenges. The speed of newsgathering means that it is not always possible to provide contributors to news reports with all the information mentioned above. However, that does not absolve journalists from treating contributors fairly or ensuring that the reports compiled meet the needs of fairness and accuracy.

5. Broadcasters should take special care that the use of material originally recorded for one purpose and then used in a later or different programme does not create material unfairness or unwarrantably infringe privacy. The inclusion of such material should be carefully considered, especially where this involves instances of personal tragedy or reference to criminal matters. This applies as much to material obtained from others as to material shot by the broadcaster itself.

Accuracy

7. Broadcasters should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations. Broadcasters should take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible are fairly presented.

8. Broadcasters should also be alert to the danger of unsubstantiated allegations being made by participants to live 'phone-ins' and discussion programmes and ensure that presenters are briefed accordingly.

9. Contemporary drama which is based on the lives and experience of real people or organisations should seek to convey them fairly. It should be made clear in advance to the audience whether the drama is loosely based on the events it describes or rather purports to be an accurate account of what happened. In neither case should drama distort the verifiable facts in a way which is unfair to anyone with a direct interest in the programme. Care should also be taken not to convey through characterisation,

or casting, or on-air promotion, an unfair impression of the characters on whom the drama is based.

Correction and apology

10. Whenever the broadcaster recognises that a broadcast has been unfair, if the person affected so wishes, it should be corrected promptly and with due prominence unless there are compelling legal reasons not to do so. An apology should also be broadcast whenever appropriate.

Opportunity to contribute

11. When a programme alleges wrong-doing or incompetence, or contains a damaging critique of an individual or organisation, those criticised should normally be given an appropriate and timely opportunity to respond to or comment on the arguments and evidence contained within the programme.

Non-Participation

12. Anyone has the right to refuse to participate in a programme, but the refusal of an individual or organisation to take part should not normally prevent the programme from going ahead. However, where an individual or organisation is mentioned or discussed in their absence, care should be taken to ensure that their views are not misrepresented.(see also paragraph 25.)

Deception

13. Factual programme-makers should not normally obtain or seek information or pictures through misrepresentation or deception, except where the disclosure is reasonably believed to serve an overriding public interest (see also paragraphs 14, 16, 18, 23, 26, 28, 31, 32, 33) and the material cannot reasonably be obtained by other means. Where the use of deception is judged permissible, it should always be proportionate to the alleged wrong-doing and should wherever possible avoid the encouragement of conduct which might not have occurred at all but for the intervention of the programme-maker. Prior editorial approval at the most senior editorial levels within the broadcasting organisation should be obtained

for such methods. The programme should also make clear to the audience the means used to obtain access to the information, unless this places sources at risk.

Privacy

14. The line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy, the Commission will therefore address itself to two distinct questions:

First, has there been an infringement of privacy ? Second, if so, was it warranted ?

An infringement of privacy has to be justified by an overriding public interest in disclosure of the information. This would include revealing or detecting crime or disreputable behaviour, protecting public health or safety, exposing misleading claims made by individuals or organisations, or disclosing significant incompetence in public office. Moreover, the means of obtaining the information must be proportionate to the matter under investigation.

15. Privacy can be infringed during the obtaining of material for a programme, even if none of it is broadcast, as well as in the way in which material is used within the programme.

16. For much of the time, the private lives of most people are of no legitimate public interest. It is important that when, for a short time, people are caught up, however involuntarily, in events which have a place in the news, their situation is not abused either at the time or in later programmes which revisit those events. When broadcasters are covering events in public places, they should ensure that the words spoken or images shown are sufficiently in the public domain to justify their broadcast without the consent of the individuals concerned. When filming or recording in institutions, organisations or agencies where permission has been given by the relevant authority or management, broadcasters are under no obligation to seek the individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the general public. However, in clearly sensitive situations in places such as hospitals or prisons or police

stations, individual consent should normally be obtained unless their identity has been concealed. Broadcasters should take similar care with material recorded by CCTV cameras to ensure identifiable individuals are treated fairly. Any exceptions to the requirement of individual consent would have to be justified by an overriding public interest.

17. People in the public eye, either through the position they hold or the publicity they attract, are in a special position. However, not all matters which interest the public are in the public interest. Even when personal matters become the proper subject of enquiry, people in the public eye or their immediate family or friends do not forfeit the right to privacy, though there may be occasions when private behaviour raises broader public issues either through the nature of the behaviour itself or by the consequences of its becoming widely known. But any information broadcast should be significant as well as true. The location of a person's home or family should not normally be revealed unless strictly relevant to the behaviour under investigation.

The Use of Hidden Microphones and Cameras

18. The use of secret recording should only be considered where it is necessary to the credibility and authenticity of the story, as the use of hidden recording techniques can be unfair to those recorded as well as infringe their privacy. In seeking to determine whether an infringement of privacy is warranted, the Commission will consider the following guiding principles.

(i) Normally, broadcasters on location should operate only in public where they can be seen. Where recording does take place secretly in public places, the words or images recorded should serve an overriding public interest. to justify:

 * the decision to gather the material;

 * the actual recording;

 * the broadcast.

(ii) An unattended recording device should not be left on private property without the full and informed consent of the occupiers or their agent unless seeking permission might frustrate the investigation by the programme-makers of matters of an overriding public interest.

(iii) The open and apparent use of cameras or recording devices on both public and private property, when the subject is on private property, must be appropriate to the importance or nature of the story. The broadcaster should not intrude unnecessarily on private behaviour.

19. When broadcasting material obtained secretly, whether in public or on private property, broadcasters should take care not to infringe the privacy of bystanders who may be caught inadvertently in the recording. Wherever it is clear that unfairness might otherwise be caused, the identity of innocent parties should be obscured.

20. Broadcasters should apply the same rules to material shot secretly, by others as they do to their own recordings in taking the decision whether to broadcast the material.

21. When secret recording is undertaken as part of an entertainment programme, care should also be taken to prevent the unwarranted infringement of privacy. Those who are the subjects of a recorded deception should be asked to give their consent before the material is broadcast. If they become aware of the recording and ask for it to stop, their wishes should be respected. In a live broadcast, especial care should be taken to avoid offence to the individuals concerned.

Telephone Calls

22. Broadcasters should normally identify themselves to telephone interviewees from the outset, or seek agreement from the other party, if they wish to broadcast a recording of a telephone call between the broadcaster and the other party.

23. If factual programme-makers take someone by surprise by recording a call for broadcast purposes without any prior warning, it is the equivalent of door-stepping (see paragraphs 25, 26, 27) and similar rules apply. Such approaches should only take place where there is reason to believe that there is an overriding public interest and the subject has refused to respond to reasonable requests for interview, or has a history of such failure or refusal,

or there is good reason to believe that the investigation will be frustrated if the subject is approached openly.

24. Other recordings of telephone conversations for broadcast purposes made with the agreement of one of the parties but without the knowledge of the other party are to be assessed by the criteria which apply to secret recording on private property. (See paragraph 18.)

Door-stepping

25. People who are currently in the news cannot reasonably object to being questioned and recorded by the media when in public places. The questions should be fair even if they are unwelcome. If the approach is made by telephone, the broadcaster should make clear who is calling and for what purpose. Nevertheless, even those who are in the news have the right to make no comment or to refuse to appear in a broadcast. Any relevant broadcast should make clear that a person has chosen not to appear and mention such person's explanation, if not to do so could be materially unfair. (See also paragraph 12.)

26. Outside the daily news context, different considerations apply. But surprise can be a legitimate device to elicit the truth especially when dealing with matters where there is an overriding public interest in investigation and disclosure. Door-stepping in these circumstances may be legitimate where there has been repeated refusal to grant an interview (or a history of such refusals) or the risk exists that a protagonist might disappear.

27. Repeated attempts to take pictures or to obtain an interview when consent has been refused can, however, constitute an unwarranted infringement of privacy and can also constitute unfairness. Care must also be taken not to make it easy to locate or identify the refuser's address unless it is strictly relevant to the behaviour under investigation and there is an overriding public interest.

Suffering and Distress

28. Broadcasters should not add to the distress of people caught up in emergencies or suffering a personal tragedy. People

in a state of distress must not be put under any pressure to provide interviews. The mere fact that grieving people have been named or suggested for interview by the police or other authorities does not justify the use of material which infringes their privacy or is distressing. Such use is justified only if an overriding public interest is served. Broadcasters should take care not to reveal the identity of a person who has died, or victims of accidents or violent crimes unless and until it is clear that the next of kin have been informed.

29. Programme-makers should also be sensitive to the possibility of causing additional anxiety or distress when filming or recording people who are already extremely upset or under stress, for example at funerals or in hospitals. Normally, prior consent should be obtained from the family or their agents.

- At funerals, programme-makers should respect their requests to withdraw.
- No attempt should be made to enter wards or other places of treatment in hospitals without clear and informed authorisation from the medical staff and the individuals concerned or those acting on their behalf.

Broadcasters should also respect any reasonable arrangements made by the emergency services to supervise media access to victims of crime or accident or disaster, or their relatives, in the immediate aftermath of a tragedy.

30. Broadcasters should ask themselves whether the repeated use of traumatic library material is justified if it features identifiable people who are still alive or who have died recently.

Re-Visiting Past Events

31. Programmes intended to examine past events involving trauma to individuals, including crime, should try to minimise the potential distress to surviving victims or surviving relatives in re-telling the story. So far as is reasonably practicable, surviving victims or the immediate families of those whose experience is to feature in the programme, should be informed of the programme's plans and its intended transmission. Failure to do this might be deemed an unwarranted infringement of privacy, even if the events

or material to be broadcast have been in the public domain in the past.

Children

32. Children's vulnerability must be a prime concern for broadcasters. They do not lose their rights to privacy because of the fame or notoriety of their parents or because of events in their schools. Care should be taken that a child's gullibility or trust is not abused. They should not be questioned about private family matters or ask for views on matters likely to be beyond their capacity to answer properly. Consent from parents or those *in loco parentis* should normally be obtained before interviewing children under 16 on matters of significance. Where consent has not been obtained or actually refused, any decision to go ahead can only be justified if the item is of overriding public interest and the child's appearance is absolutely necessary.

Similarly, children under 16 involved in police enquiries or court proceedings relating to sexual offences should not be identified or identifiable in news or other programmes.

Agency Operations

33. Broadcasters should be clear about the terms and conditions upon which they are granted access to police operations and those of other law enforcement agencies, emergency services or bodies working directly with vulnerable people. When accompanying such operations, crews should identify as soon as practicable for whom they are working and what they are doing. If asked to stop filming on private premises by the property owner or occupier, or to leave, they should do so unless there is an overriding public interest. Bystanders caught on camera should have their identities obscured, where unfairness might arise.

Radio Authority (UK)

The Radio Authority licenses and regulates commercial radio in accordance with the Broadcasting Acts of 1990 and 1996. It will also loose its job soon to Ofcom[14]. It has two codes one for programme and another for news and current affairs.

The News and Current Affairs Code (Undue Prominence and Impartiality)

1.1 General

The Broadcasting Act 1990 and the Broadcasting Act 1996 require the Radio Authority to do all it can to secure that any news given (in whatever form) in a licensed service is presented with due accuracy and impartiality. It must also strive to ensure that national services and national digital services preserve due impartiality with respect to matters of political or industrial controversy or relating to current public policy and that local (including regional) services and local and regional digital services do not give undue prominence to the views and opinions of particular persons or bodies on such matters.

The Licence Holder may not express his views on such matters on his service unless those views directly involve broadcasting policy or developments (see Rule 1.5).

Unless otherwise stated, in considering complaints which allege partiality on a national service or a national digital service, the Authority may consider a series of programmes as a whole. In the case of a local, digital local, satellite or licensable sound programme service, the Authority will normally consider complaints alleging undue prominence over a period commencing three months prior to the item complained of and culminating three months after.

This code also applies to any visual or other programme-related editorial data provided by digital services to accompany the audio content of those services.

1.2 News

All news in whatever form (including bulletins, longer news programmes and general coverage of news events) must be accurate and duly impartial. An appropriate range of views on controversial subjects should be reported fairly either within a single news bulletin or in a series of news bulletins which are as adjacent as reasonably possible. Any mistakes that do occur should be corrected as quickly as possible and an apology broadcast where appropriate.

1.3 General programming and matters of political, public or industrial controversy

On national services and national digital services, due impartiality should be preserved within programming on matters of political or industrial controversy or relating to current public policy. Where due impartiality is not achieved within a single programme, it should be achieved within a series of programmes. A series of programmes is defined as those being broadcast consecutively, or usually not more than a week apart at a time when comparative numbers of people are likely to be listening, A listener to one in a series of programmes on the same topic should not be misled into thinking that he has heard the whole story.

On other services covered by this Code, such programming should not be conducted in such a way as to give undue prominence, in programming as a whole, to the views and opinions of particular persons or bodies.

Whilst balance, in a mathematical sense of equal time, is not always necessary, programmes should not be slanted by the concealment of relevant facts or by misleading emphasis.

In achieving the above, an appropriate range of relevant views may be expressed through a number of interviewees or through contributions from phone in contributors; and a presenter's questioning as 'devil's advocate' may contribute to giving a satisfactory contrasting view.

1.4 Presenters' Views

Individual presenters, hosts or chairmen of discussions may only express their views on matters of political or industrial controversy or relating to current public policy if an appropriate and adequate response from others, given with equivalent force, is clearly available. Stations should ensure that such views are clearly seen to be personal views, and not as those of the Licence Holder.

Over programming as a whole and over time, presenters should not use the advantage of their regular and frequent appearances on radio as a platform to express such views in an unduly prominent way which would be denied to others.

Licence Holders must ensure that statements of fact which form part of the views expressed by presenters are accurate, and that opinions expressed, however partial, do not rest on false evidence.

Where the off-air status of a host might call into question his role within a programme (e.g. newspaper editor, vocal party supporter, agent etc), he should ensure that his position is appropriately transparent to listeners.

Suitable responses to a presenter's view may come, for example, from interviewee/s or phone in contributor/s. These should be given within the same programme or series of programmes (see 1.3) in the case of national services or national digital services, and within the same programme or another appropriate programme in the case of local services or local digital services. The presenter must ensure that these other participants, some of whom will have less radio experience than others, have the facility to express their views; and that the discussion moves forward as coherently and logically as possible.

1.5 Expression of opinion by licensees

Expressions of opinion by and/or on behalf of Licence Holders on matters other than broadcasting which are politically or industrially controversial or relate to current public policy must be excluded from programmes broadcast on their services. If a Licence Holder expresses an opinion, or an opinion is expressed on his behalf, on such matters in a broadcast on another licensed or BBC service it must be in a context which makes it clear that he is expressing a personal opinion and not the opinion of the company.

These restrictions apply to views expressed by Licence Holders i.e. the company or person holding the licence or its management or staff speaking on its behalf rather than employees /presenters speaking in a personal capacity in the normal course of their programmes, within the constraints of Section 1.4.

The restrictions do not apply to broadcasts of proceedings in either House of Parliament, or to proceedings of local authorities. Expression of a licence holder's opinion on the prescribed matters therefore do not have to be excluded where they occur in broadcasts of such proceedings, but these exceptions do not apply to comments on such proceedings.

1.6 Conduct of Interviews

Stations should be straightforward and fair in their dealings with participants in programmes falling within the scope of this Code.

Stations must ensure that an interviewee chosen as a representative of an organised group is in a position to speak on behalf of its members or supporters. As far as is practicable, within the constraints imposed by the speed of news gathering, the interviewee should be made aware of the format, subject matter and context of the interview and the nature of any other likely contributions. He should also be informed of the way in which the interview will be used, whether live or recorded, and whether it may be edited.

1.7 Editing of Interviews

A shortened version of an interview must not misrepresent an interviewee's contribution. An interview should not be edited so as to appear by juxtaposition to associate a contributor with a line of argument which he would probably not accept and on which he is given no opportunity to comment in the programme or feature.

Due weight should be given to any qualifying remarks that may perhaps weaken the force of an answer but to which the interviewee is likely to attach importance. There is no justification for picking out a brief extract to support a particular line of argument to which the interviewee does not himself subscribe without qualification.

The context in which extracts from a recorded interview are used is important. It is quite defensible to run together a number of different answers made by different contributors to the same question.

There is no general obligation to let a contributor listen to an edited piece before it goes on air. On the other hand, it is possible that particular circumstances will make such a move desirable or even essential, and producers, interviewers and/or managements should always give thought to this before completing their programme or feature. To minimise risks of misunderstanding or even resentment, it may be helpful if the producer or interviewer tells the interviewee that the edited version of his words used in a programme or feature is likely to be shorter than the recording made at the time.

1.8 Use of Recorded library or Archive Material

Library or archive material must not be presented in a misleading manner.

For example, it should not be taken for granted that the views expressed by an interviewee on a particular subject, as recorded on a previous occasion, are still held by him when it is proposed to rebroadcast the extract in a possibly different context. When library or archive material is included in a programme, it is important to indicate the period when it was originally recorded.

1.9 Right of Reply

Corrections of factual errors should be broadcast as soon as is sensibly possible after the original error. A right of reply should be offered to a relevant person or persons if the Licence Holder feels that fairness and impartiality and/or the need to avoid undue prominence merit such a step.

Despite all the efforts made by Licence Holders to observe undue prominence, accuracy and impartiality requirements, there may be occasions when an individual or organisation is misrepresented in a programme. A mis-statement of fact can sometimes be simply corrected, particularly if the programme is live, since there is then the opportunity for a correction to be made within the programme itself. If this is not possible then unless the need for correction is urgent, the licensee should, if the error has occurred in a regular bulletin, feature or programme, wait until the next relevant one.

Calls for a right of reply may come from those who feel that a programme as a whole or in part has been misleading or unfair in a more general sense than that resulting from straightforward mis-statement of fact. Requests for such a reply may come either direct to the Radio Authority or to the Licence Holder.

If the Radio Authority, having listened to a recording of the programme or feature complained of, upholds the complaint, it may require the licensee to broadcast a correction or apology or both in such form, and at such time or times, as it may determine. In exceptional circumstances, the Radio Authority has additional regulatory sanctions at its disposal. It is also open to the complainant to refer his complaint (either before or after referring it to the Licence Holder and/ or Radio Authority) to the Broadcasting Standards Commission if he has a direct interest in the programme or feature complained of, or if the complaint concerns the portrayal of sex or violence. (See also Radio Authority Programme Code.)

1.10 Fiction (Including Drama)

Where proposed subject matter relates to political or industrial controversy, or current public policy, this section should be read in conjunction with the provisions contained within these Section 1 rules.

The Radio Authority does not regard the transmission of fiction or drama with a contemporary political or social message as in itself an indication of lack of impartiality. The due impartiality required in fiction/drama by an independent writer is not identical to that required of current affairs programming. Nevertheless, a play dealing with a particular current issue which at the time of transmission had become a matter of imminent national or local decision could raise difficulties. Impartiality may need to be reinforced by providing an opportunity for opposing viewpoints to be expressed. This might take the form of a studio discussion following the drama itself, or a separate programme providing a right of reply within a reasonable period.

Party Politics, Politicians and Programmes

2.1 Politicians in Programmes

Politicians may host programmes, although care and discretion should be exercised. They should not present news bulletins or longer news programmes.

If programmes hosted by politicians comprise wholly, or in part, discussion of matters of political or industrial controversy or relating to current public policy, licensees should ensure that a mix of politicians holding a full and appropriate range of views is represented over time (see below). Any such programming should be clearly separate and distinct from news bulletins and programming. When presenting programming, politicians should observe the general requirements for presenters, as outlined in 1.4 above.

On national services and national digital services, programming hosted by an appropriate mix of politicians should be achieved over a period of three months within the run of a particular programme or day part, when considered in isolation. In the case of other services, it may normally be achieved across a number or series of programmes or day parts over a three-month period, provided that discrepancies in comparative audience levels for programmes do not afford undue prominence to a particular person or viewpoint.

In this context, 'politicians' include not only Members of both Houses of the UK Parliament, the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly and the European Parliament and prospective candidates, but also local councillors, party officials and anyone who is involved in policy making or similar forms of political activity.

The appearances of politicians at times when an election is pending are restricted, as outlined in Section 3.

Whilst achieving an appropriate mix of politicians, as required above, will demand representation from a range of parties, licensees should also take care to recognise and reflect where certain issues do not divide upon party lines.

2.2 Party Political Broadcasts

Independent National Radio (INR) will make available to United Kingdom political parties an agreed quota of airtime during which parties may transmit Party Political Broadcasts or Party Election Broadcasts (PPBs or PEBs) scripted and planned by those parties. The requirement lies with national analogue services alone and does not extend to national or local/ regional digital services or local/ regional analogue services.

The allocation and frequency of PPBs and PEBs, the length of time allocated to each party and the number involved will be reviewed annually and promulgated by the Radio Authority. Special arrangements may be made for Scotland and Wales if transmission arrangements allow. There are no separate PEBs in Northern Ireland.

Candidates must not appear in PPBs or PEBs if reference is made either to their candidature or to matters of particular concern to their own constituencies.

Editorial control rests with the political parties, but the broadcasts should conform to the requirements of the 1990 and 1996 Broadcasting Acts, and the ultimate responsibility for ensuring nothing broadcast breaches the Code rests with the Licensee. PPBs/ PEBs must not include direct appeals for funds nor be likely to give rise to the threat of legal action. They must not contain extracts from Parliamentary proceedings. Responsibility for delivery of the broadcasts in forms acceptable to the stations rests with the parties.

2.3 Use of Recordings of Parliamentary Proceedings

Use of such recordings must he confined to news, documentary, current affairs and educational programming. They may be used in trailers for such programming, but not for advertising, promotions or other forms of publicity. They may not be used in light entertainment or satire programmes.

Election Coverage

3.1 Election Coverage

Guidelines for the Pending Period of General Elections, European Parliament, Scottish Parliament, Welsh Assembly and local elections:

Guidelines drawn up by the Radio Authority place restrictions on broadcasts in which an election candidate may allow himself lawfully to take part. The guidelines are reproduced opposite. Coverage of the direct elections to the European Parliament, Scottish Parliament, Welsh Assembly and local government elections are all subject to the guidelines as well as to the Broadcasting Act

1990. All licensees should he familiar with these guidelines which form part of the Code.

Under the terms of the Election Guidelines it is essential that extreme care be exercised in cases where a candidate takes part in a broadcast and speaks about a matter specific to a constituency or electoral area when an election is pending.

3.2 Candidates and 'Taking Part'

In the context of this section, 'taking part' during the pending period means actively participating in a broadcast, rather than being reported or with audio 'clips' of public speeches, doorstep canvassing etc, being aired. Such material must, however, be used cautiously. It is not acceptable to use such material in a way that might be seen to give an unfair advantage to one candidate (e.g. using lengthy rather than illustrative 'clips'). Broadcasting a politician's answers to reporters' questions at, say, a news conference could constitute 'taking part.' Similarly, it is not acceptable for such 'clips' to be edited together in such a way as to imply that the candidate has actively participated in a programme.

The local government equivalent of the Parliamentary terms 'constituency' and 'by-election' are 'electoral area' and 'election to fill a casual vacancy'. The Guidelines restrict programming about an electoral division, borough, ward or other area in the same way as a constituency for a parliamentary election. Therefore, in a County Council election, the relevant electoral area is not the county, but each separate electoral area within the county concerned.

3.3 Phone-ins

Care should be exercised to ensure that a range of views is heard and that phone-in callers, some of whom will have limited experience of expressing views on-air, are allowed a satisfactory opportunity so to do.

Whilst mathematical formulae cannot easily be applied to the numbers of callers to a 'phone-in' or the duration of their contributions, an appropriate mix should be sought, and relevant views should not be suppressed.

Stations which broadcast phone-ins and interview material should do all they can to ensure that no contributors/ callers participating in programming contravene, perhaps even inadvertently, Code rules.

3.4 General coverage

Stations should satisfy themselves that parties and election issues have been treated with due impartiality.

During the pending period, it is recommended that stations keep records of the numbers and duration of stories carried about parties and significant election issues, so that any unwarranted over- or under-representation may be identified and rectified.

However, due impartiality may not necessarily be achieved by parity of time within each item. It should be achieved within the pending period itself. It is not sufficient for a balancing view to be broadcast after the election, or before the start of the pending period. The eve of poll is perceived as having heightened importance, so coverage should also be balanced in isolation within that day in itself.

When arranging general political discussions, stations should ensure that parties have a fair and appropriate opportunity to state their respective views. This may be achieved within a programme, or within a logical series of programmes, defined in advance.

For national services and national digital services, care should be exercised that the voices and views of the nationalist parties are appropriately reflected, both in general UK coverage and, particularly, where a story has a direct relevance to Scotland, Wales or Northern Ireland.

3.5 Polling Day

Discussion about election issues should finish when the polls open. A licensee may not publish the results of any poll he has commissioned or undertaken on polling day itself until the election polling booths have closed.

On polling day before the close of poll, licensees may report on the weather and the pace of voting. There can be factual reporting of opinion polls (but not exit polls). Any reporting of opinion polls, however, must be put carefully in context (rarely should a poll be a major story in itself); using neutral language (e.g. opinion polls might 'indicate' but they never 'show'); signifying a margin of error and avoiding giving too much credence given to one-off 'shock' polls (i.e. polls which show a one-off massive swing against the trends of other polls). Reports may feature independent pundits. It would be most unwise to feature candidates, politicians, party agents, known supporters of political parties, or those speaking on policies relevant to the election.

3.6 Politicians as Presenters

During the pending period, politicians should not host any programming devoted wholly or in part to coverage or discussion about political or industrial controversy or relating to current public policy.

In this context, 'politicians' includes not only members of other parliaments or assemblies and prospective candidates for the election concerned, but also party officials and anyone who is involved in policy making or similar forms of political activity.

A candidate's appearance on any other sort of programme during the pending period might be regarded as enhancing his general standing and thereby breaching the requirements for due impartiality. Appearances, if any, therefore, should be managed with care and sensitivity. Certainly, if a candidate does appear in a non-political role, it is essential that no reference is made to his candidature.

Similarly, a candidate should not appear in news items on matters unconnected with the election unless his absence would obviously be in conflict with sensible treatment of the news. Such cases are likely to be rare.

3.7 Role of Presenters During the Pending Period

Presenters should not take advantage of their position on-air. Their experience of the medium and the regularity with which they appear should not be used to further political objectives. Views on election matters should not be expressed where there is no opportunity for a satisfactory response with equivalent force.

Extreme care should be exercised to conduct interviews or 'phone-in' programmes fairly.

Presenters/ broadcasters who intend or declare an intention to stand for election (for whatever purpose) should cease regular programming presentation or on-air involvement until the close of polling.

3.8 Other Election Legislation

Licensees' attention is drawn to the existence of Section 92 of the Representation of the People Act 1983, which was not amended in 2001 at the same time as Section 93. It deals with the influence on elections of broadcasts from overseas that have not been agreed with the Radio Authority, and with municipal elections, other than ward elections.

3.9 Devolution Issues during a General Election

The Scottish Parliament, National Assembly of Wales and the Northern Ireland Assembly may be in session during a UK General Election. All matters should continue to be covered on news merit with the usual rules of balance applied. Each institution has its own areas of responsibility separate from Westminster (e. g. health and education) but it is expected programmes will reflect a blend of views on issues regardless of which institution is responsible for which issue. There is, of course, an expectation for programmes to make clear, when appropriate, who does what in the political structure, and which issues would be influenced by the outcome of the election in each part of the UK.

News Sponsorship

4.1 News, Bulletins and Sponsorship

News bulletins and news output may not be sponsored. It is, however, permissible to sponsor programmes or features that have a current affairs background (e.g. weekly round-up programmes) if they are distinct from, and do not involve, news desk presentation. Similarly business news, finance news (but not commercially specific finance advice), travel and sports news can be sponsored as long as the sponsor's business interests do not prejudice, or appear to prejudice, the impartiality of the programme. Licensees must be familiar with the Radio Authority's Advertising & Sponsorship Code. It is available on request or at the Authority's website. Rule 3.8 (a) concerning news, and the avoidance of any perception that news output might be sponsored, is reproduced here:

Prohibited Sponsorships

All programming may be sponsored, with the exception of news bulletins, and any news desk presentation. Care must be taken with the positioning of all sponsorships / commercials to avoid the impression that a news bulletin or the station's news output is sponsored.

SOUTH AFRICA

Broadcasting Complaints Commission of South Africa (BCCSA)[15] was set up by the National Association of Broadcasters of Southern Africa (NBA) in 1993 to adjudicate and mediate complaints against a broadcaster who has signed its Code of Conduct. The BCCSA is entirely independent from the NAB and the broadcasters . Commissioners are appointed by an independent Panel, chaired by a retired Judge of the Appellate Division of the Supreme Court. Here is the Code:

1. Preamble

The fundamental principle to be upheld is that the freedom of the electronic media is indivisible from, and subject to the same constraints, as that of the individual and rests on the individual's fundamental right to be informed and freely to receive and disseminate opinions.

2. Reporting of news

2.1 The electronic media shall be obliged to report news truthfully, accurately and with due impartiality.

2.2 News shall be presented in the correct context and in a balanced manner, without any intentional or negligent departure from the facts whether by:

2.2.1 distortion, exaggeration or misrepresentation;
2.2.2 material omission; or
2.2.3 summarisation

2.3 Only what may reasonably be true having regard to the source of the news, may be presented as facts, and such facts shall be broadcast fairly with due regard to context and importance. Where a report is not based on facts or is founded on opinion, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.

2.4 Where there is reason to doubt the correctness of a report and it is practicable to verify the correctness thereof, it shall be verified. Where it has not been practicable to verify the correctness of a report, it shall be mentioned in such report.

2.5 Where it subsequently appears that a broadcast was incorrect in a material respect, it shall be rectified spontaneously and without reservation or delay. The correction shall be presented with a degree of prominence which is adequate and fair so as readily to attract attention.

2.6 Reports, photographs or video material relating to matters involving indecency or obscenity shall be presented with due sensitivity towards the prevailing moral climate. In particular, the electronic media shall avoid the broadcast of indecent or obscene matter.

2.7 The identity of rape victims and other victims of sexual violence shall not be broadcast without the consent of the victim.

3. Comment

3.1 The electronic media shall be entitled to comment upon or criticise any actions or events of public importance provided such comments or criticisms are fairly and honestly made.

3.2 Comment shall be presented in such manner that it appears clearly that it is comment, and shall be made on facts truly stated or fairly indicated and referred to.

3.3 Comment shall be an honest expression of opinion, without malice or dishonest motives, and shall take fair and balanced account of all available facts which are material to the matter commented upon.

4. Elections and referenda

4.1 Where during an election period or referendum period a signatory grants access to its services to a political party, organisation or movement or a candidate taking part in national, regional or by-election, or referendum, or has itself during an election period or referendum period criticised a political party, organisation or movement or a candidate taking part in such an election or referendum it is under a duty to grant an opposing or criticised (as the case may be) political party, organisation or movement or a candidate an equal opportunity to its services to state its policy or respond to the criticism of the signatory or the political party, organisation or movement or candidate to whom the signatory has granted access: provided that this clause does not in any way detract from the duties which a signatory has in accordance with the other clauses of this Code.

4.2 For purposes of this clause, "election period" and "referendum period" means a period which commences when the State President promulgates an election or by-election for Parliament or referendum in the Government Gazette and lapses when polling closes on the (last) election day, or referendum day, as the case may be.

4.3 If, within 48 hours before the commencement of the polling period or during the polling period, a signatory intends broadcasting a programme in which a particular political party or candidate is criticised, the signatory shall ensure that the political party or candidate is given a reasonable opportunity to respond thereto in the same programme, or to do so as soon as it is reasonably practicable thereafter.

5. Privacy

The electronic media shall exercise exceptional care and consideration in matters involving the private lives and dignity of individuals, bearing in mind that the right to privacy and dignity may be overridden by a legitimate public interest.

6. Payment for information from a criminal

No payment shall be made to persons engaged in crime or other notorious misbehaviour, or to persons who have been engaged in crime or other notorious misbehaviour in order to obtain information concerning such behaviour, unless compelling societal interests indicate the contrary.

7. General

7.1 The electronic media shall:

7.1.1 not present material which is indecent or obscene or harmful or offensive to public morals, which is offensive to religious convictions or feelings of a section of the population, which is likely to harm relations between sections of the population or is likely to prejudice the safety of the state or the public order:

7.1.2 not, without due care and sensitivity, present material which contains brutality, violence or atrocities;

7.1.3 exercise due care and responsibility in the presentation of programmes where a large number of children are likely to be part of the audience.

7.2 Controversial Issues of Public Importance

7.2.1 In presenting a programme in which controversial issues of public importance are discussed a broadcasting licensee shall make reasonable efforts to fairly present significant points of view either in the same programme or in a subsequent programme forming part of the same series of programmes presented within a reasonable period of time and in substantially the same time slot.

7.2.2 A person whose views have been criticised in a broadcasting programme on a controversial issue of public importance, shall be given reasonable opportunity by the broadcasting licensee to reply to such criticism, should that person so request.

INDIA

In India, so far there is no regulator of broadcasting. All India Radio and Doordarshan (Indian Television) are now part of an autonomous corporation: Prasar Bharati. There are a large number of private and foreign channels that reach Indian audience through cable[16] and there are private FM radio broadcasters. Provision of a FCC type regulator is in a Bill which is pending in Parliament.

Programme code

The General Broadcasting Code which is otherwise called Programme Code for both AIR and Doordarshan prohibits the following:

- (a) Criticism of friendly countries;
- (b) Attack on religions or communities.
- (c) Anything obscene or defamatory.
- (d) Incitement to violence or anything against maintenance of law and order.
- (e) Anything amounting to contempt of court.
- (f) Aspersions against the integrity of the President and the Judiciary.
- (g) Anything affecting the integrity of the Nation, and criticism by name of any person.

Advertising Code

The Prasar Bharati Corporation consists of two wings namely All India Radio and Doordarshan Commercials were introduced on AIR on 1st November, 1967 and on Doordarshan on 1st January, 1976. Both AIR and Doordarshan have served as effective instruments for advertisers to publicise their goods and services. As a public service broadcasting organisation, AIR and Doordarshan have responsibility to ensure that the advertisements either in terms of contents, tone or treatment, do not mislead the listeners and viewers as well as the consumers or are not repugnant to good taste.

The earning of commercial revenue is not the sole criteria of the Prasar Bharati. Thus the code has stricter provisions and the main features of the code are as follows:

- (a) Tobacco products including ‘Pan Masala’ and liquors are not permitted.
- (b) The goods and services advertised should be in consonance with the laws of the country enacted to protect the rights of the consumers.
- (c) The commercial should never project a derogatory image of women and should not endanger the safety of children.

Codes for Cable Operators

(Rule 6 and Rule 7 of Cable Television Networks Rules, 1994)

Programme Code

6(1) No programme should be carried in the cable service which:-

(a) Offends against good taste or decency:
(b) Contains criticism of friendly countries;
(c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
(d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendoes and half-truths;
(e) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote-anti-national attitudes;
(f) Contains anything amounting to contempt of court;
(g) Contains aspersions against the integrity of the President and the Judiciary;
(h) Contains anything affecting the integrity of the Nation;
(i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country ;
(j) Encourages superstition or blind belief;
(k) Denigrates women through the depiction in any manner of the figure of a women, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
(l) Denigrates children;
(m) Contains visuals or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups
(n) Contravenes the provisions of the Cinematograph Act, 1952.
(o) is not suitable for unrestricted public exhibition.

Explanation – For the purpose of this clause, the expression "unrestricted public exhibition" shall have the same meaning as assigned to it in the Cinematograph Act, 1952 (37 of 1952);

(2) The cable operator should strive to carry programmes in his cable service which project women in a positive, leadership role of sobriety, moral and character-building qualities.

(3) No cable operator shall carry or include in his cable service any programme in respect of which copyright subsists under the Copyright Act, 1972 (14 of 1972) unless he has been granted a licence by owners of copyright under the Act in rest of such programme.

(4) Care should be taken to ensure that programmes meant for children do not contain any bad language or explicit scenes of violence.

(5) Programmes unsuitable for children must not be carried in the cable service at times when the largest numbers of children are viewing.

Advertising Code

7 (1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which-

(i) derides any race, caste, colour, creed and nationality;
(ii) is against any provision of the Constitution of India.
(iii) tends to incite people to crime, cause disorder or violence, or breach of law or glorifies violence or obscenity in any way;
(iv) presents criminality as desirable;
(v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;
(vi) in its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure

that the portrayal of the female form, in the programmes carried in his cable service, is tasteful and aesthetic, and is within the well established norms of good taste and decency;

(vii) exploits social evils like dowry, child marriage.

(viii) promotes directly or indirectly production, sale or consumption of-

(A) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;

(B) infant milk substitutes, feeding bottle or infant food.

(3) No advertisement shall be permitted, the objects whereof, are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end.

(3A) No advertisement shall contain references which hurt religious sentiments.

(4) The goods or services advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act, 1986.

(5) No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.

(6) The picture and the audible matter of the advertisement shall not be excessively 'loud'.

(7) No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

(8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements.

(9) No advertisement which violates the standards of practice for advertising agencies as approved by the Advertising Agencies Association of India, Bombay, from time to time shall be carried in the cable service.

(10) All advertisement should be clearly distinguishable from the programme and should not in any manner interfere with the programme viz., use of lower part of screen to carry captions, static or moving alongside the programme.

AUSTRALIA

The Australian Broadcasting Authority (ABA) was established by the Broadcasting Services Act 1992, and began operations on 5 October 1992. The Act defines the role of the regulatory authority, gives the ABA a range of powers and functions, and sets out explicit policy objectives. The objectives include the desirability of program diversity, limits on concentration of ownership and foreign control of the mass media and the need for media to help foster an Australian cultural identity, report news fairly and respect community standards.

The ABA plans the availability of segments of the broadcasting services bands (the radiofrequency spectrum used by AM and FM radio and VHF and UHF television) for analog and digital broadcasting. It can allocate, renew, suspend and cancel broadcasting licences and collect any fees payable for those licences. It also allocates pay TV licences and administers the class licence regime for subscription radio broadcasting and open and subscription narrowcasting services.

In terms of content regulation, the ABA assists the different sectors of the television, radio and Internet industries to develop codes of practice relating to content and complaints handling and investigates complaints about inappropriate content on broadcasting services and the Internet. It also develops and administers program standards about Australian content and children's programs on commercial television and conducts research into community attitudes on programming matters.

The ABA monitors compliance with the ownership and control provisions of the Broadcasting Services Act, including the cross-media rules.

In addition, the ABA is required to inform itself and the Minister for Communications, the Information Technology and the Arts about advances and trends in broadcasting technology.

The primary responsibility for ensuring that programs reflect community standards rests with radio and television stations themselves under a system of industry developed codes of practice. The areas of Australian content on commercial television and children's television are regulated by compulsory standards determined by the ABA.

Australian content is regulated by ABA standards (commercial television), guidelines (pay TV) and industry codes of practice (radio).

Australian programs must be at least 55% of all programming broadcast in a year by a licensee between 6 am and midnight that was made without financial assistance from the television production fund.[17] The objective of the standard for Australian Content in Advertising is to ensure that the majority of advertisements on television is Australian-made, while recognising that the use of some foreign produced advertising has been a reality in the advertising industry for some time.

The standard requires at least 80 per cent of advertising time broadcast each year by commercial television licensees, between the hours of 6 a.m. and midnight, to be used for Australian produced advertisements. Up to 20 per cent of total transmission time is therefore available for the broadcast of foreign-produced advertisements. New Zealand commercials have fully qualified as 'Australian' since 1981 under the current and previous standards relating to Australian content in advertisements and advertising.

Notes and References

1 Lord Reith (1889-1971) of BBC wrote in 1924, "I think it will be admitted by all that to have exploited so great a scientific invention (radio) for the purpose and pursuit of entertainment alone would have been a prostitution of its powers and an insult to the character and intelligence of the people."

2 In the US despite the First Amendment FCC was created to regulate broadcasting mainly for this reason. There is no regulator for the Press.

3 Publicistklubben (Publishers' Club) established in 1874. It has 6000 members, mainly journalists but include photographers and translators also.

4 The Swedish Union of Journalists (Svenska Journalistförbundet), established in 1901, organizes more than 19 000 members, of which about 8 000 works within the daily newspapers, 2 300 with public radio and television, 500 with private commercial audiovisual companies, 800 with magazines, 400 with political or specialized reviews, 900 as information officers or editors of small membership papers and 1 800 are freelancers. 1 700 are retired members, 700 are students in journalism, and 1000 are unemployed.

5 Tidningsutgivarna and Tidningsutgivareföreningen are two names for one association - The Swedish Newspaper Publishers' Association that is the

trade and employers' association for Sweden's daily newspapers and other media companies. In all it has around 200 members, of which the daily newspapers make up around 170. It is more than 100 years old.

6 Sveriges Radio.

7 Sveriges Television.

8 Utbildningsradion.

9 Radioutgivareförening (Radiobroadcasters' Union)

10 Not be used before...For use on or after..

11 There is also a Radio and Television News Directors Foundation (RTNDF) with a common Chair. RTNDF's latest project focuses on high school journalism.

12 The document at NAB website does not give the date. One cannot reach is from home page. Only via frequently asked questions where there is a question on ethics.

13 Like FCC in the U.S.

14 Likely to be operational by the end of 2003, OFCOM will have regulatory powers covering broadcasting and telecommunications networks and the services delivered on them

15 In order to promote freedom of speech, the free flow of information and the maintenance of high standards of broadcasting in South Africa, the National Association of Broadcasters of South and Southern Africa (the NAB) in 1993, established a Broadcasting Complaints Commission of South Africa (BCCSA), according to its constitution.

16 Regulation is supposed to be enforced through cable operators.

17 Such provisions could be useful for developing countries to develop programme producing capabilities.

Internet

Internet, an international network of interconnected computers that enables millions of people to communicate with one another in "cyberspace"[1] and to access vast amounts of information from around the world, has also raised some ethical issues. On 26 June 1997, the US Supreme Court turned down Communications Decency Act of 1996 (CDA) in the US that sought to protect minors from harmful material on the Internet. The court held that the CDA's "indecent transmission" and "patently offensive display" provisions abridge "the freedom of speech" protected by the First Amendment".[2]

According to this decision, CDA differs from the various laws and orders upheld by the court in many ways.[3] It does not allow parents to consent to their children's use of restricted materials; is not limited to commercial transactions; fails to provide any definition of "indecent" and omits any requirement that "patently offensive" material lack socially redeeming value. It neither limits its broad categorical prohibitions to particular times nor bases them on an evaluation by an agency familiar with the medium's unique characteristics. It is punitive; applies to a medium that, unlike radio, receives full First Amendment protection; and cannot be properly analyzed as a form of time, place, and manner regulation because it is a content-based blanket restriction on speech.

The special factors recognized in some of the Court's cases as justifying regulation of the broadcast media—the history of extensive government regulation of broadcasting,[4] the scarcity of available frequencies at its inception[5] and its "invasive" nature[6] are not present in cyberspace. Thus, these cases provide no basis for qualifying the level of First Amendment scrutiny that should be applied to the Internet. It is thus clear that Internet has more protection under freedom of speech than broadcasting.

There are two major grounds, globally, on which regulation of Internet is sought – privacy and saving the children from undesirable content. The third main reason is security, which is handled differently by different countries. The Internet industry has come up with various kinds of filters for these purposes.

One finds some ethical advice to interactive users on many sites like: [7]

a. Be civil.
b. Be creative. Be original.
c. Argue with forethought and reason.
d. Give credit for © as appropriate.
e. No "Me too" postings. It's dumb.
f. No threats, really bad language or other stuff that would make your mom blush.

ICC Guidelines

There is at least one agreed set of guidelines from International Chamber of Commerce:[8]

—ICC Guidelines on Advertising and Marketing on the Internet[9]

—Principles for Responsible Advertising and Marketing over the Internet, World Wide Web, Online Services and Electronic Networks

The global promise of new communications technologies has become a subject of great public interest, as businesses and governments discuss the best ways of introducing these technologies and of sharing with consumers the benefits they offer. By marrying the user-friendliness of the computer/television screen to the instantaneous transmission of telecommunications, these technologies are providing a new means for the delivery of information, entertainment and business services, bringing consumers and business closer together. Consumers are being empowered, more than ever before, to dialogue with producers and to precisely express their particular needs and desires.

Advertisers and marketers are helping to develop the new media just as they helped to develop the traditional media[10] of the past. Today, advertising represents the main source of revenue for traditional media. Similarly, advertising and marketing will make a vital contribution to the new interactive media by allowing it to offer more affordable goods and services to a wider, global audience.

The International Chamber of Commerce (ICC) is the world's foremost developer of self-regulatory codes of ethical conduct for advertising and marketing practices. The ICC believes that advertising and marketing on the Internet, World Wide Web, and online services should reflect the highest standards of ethical conduct as laid down in the ICC International Code of Advertising Practice and other relevant ICC self-regulatory Codes.

The global character and technological properties of the new media have created a unique business environment. Media owners, in the traditional sense, do not exist, which has led to the bypassing of traditional intermediaries such as publishers and broadcasters. Responsible advertisers and marketers (which, in this new context, will mean any person or company posting an electronic commercial message) should recognize that it is in their own interest to observe self-disciplinary guidelines specifically adapted for electronic or interactive advertising and marketing. Advertisers and marketers should strive to create an electronic environment, which all the world's consumers can fully trust.

Consumers and marketers should seek to cooperate in order to minimize the potential cost and to enhance efficiency savings of electronic networks. By choosing to share pertinent data about themselves, consumers can be provided with relevant product information and efficient and economical services. This will enable consumers to choose goods and services better adapted to their needs and tastes.

The ICC recognizes that advertising and marketing in the interactive media is at an early stage of development and acknowledges that the relevant principles and guidelines may have to change and evolve as we learn more about the new technologies and their specific uses. Thus, in the light of experience acquired, the ICC presents hereafter an updated version of the 1996 Guidelines. The ICC commits itself to the regular review of these guidelines to ensure their continued viability.

With the above in mind, the ICC recommends the worldwide promulgation of the guidelines below, which intend to fulfil the following objectives:

to enhance the confidence of the public at large in advertising and marketing provided over the new interactive systems;

to safeguard an optimum of freedom of expression for advertisers and marketers;

to minimize the need for governmental and/or inter-governmental legislation or regulations; and

to meet reasonable consumer privacy expectations.

Scope of the Guidelines

These Guidelines apply to all marketing and advertising activities on the Internet for the promotion of any form of goods or services. The Guidelines set standards of ethical conduct to be observed by all involved with advertising and marketing activities on the Internet.

Definitions

For the purpose of these guidelines:

the term "Internet" refers to the public network of computer networks which enables the transmission of information between users, or between users and a place on the network, as well as to all interactive media and electronic networks such as the World Wide Web and online services;

the term "content" means all forms of advertising and marketing information and covers text, pictures, animation, video and audio, and may also include software;

the term "World Wide Web" refers to the network of resources accessible on the Internet using the Hypertext Transfer Protocol ("http").

Basic Principles

Article 1

All advertising and marketing on the Internet should comply with the spirit as well as the letter of the principles set forth in the ICC's Codes on Advertising Practice, Sales Promotion, Direct

Marketing, Environmental Advertising, and Sponsorship as well as the ICC-ESOMAR Code on Marketing and Social Research Practice.

All advertising and marketing should be legal, decent, honest and truthful. “Legal”, in the context of these guidelines, is presumed to mean that advertising and marketing messages should be legal in their country of origin.

Advertising and marketing messages should be sensitive to issues of social responsibility and should in addition conform to generally accepted principles as regards ethical marketing.

Advertising and marketing messages should not be designed or transmitted in such a way as to impair overall public confidence in the Internet as a medium and marketplace.

Rules

Disclosure of identity

Article 2

Advertisers and marketers of goods and services who post commercial messages via the Internet should always disclose their own identity and that of the relevant subsidiary, if applicable, in such a way that the user can contact the advertiser or marketer without difficulty.

Article 3

Costs and responsibilities associated with electronic sales and marketing

Advertisers and marketers should clearly inform users of the cost of accessing a message or a service where the cost is higher than the basic telecommunications rate. Users should be provided with such notice of cost at the time they are about to access the message or service. This notice mechanism should allow users a reasonable amount of time, as set by the marketer or mandated by applicable law, to disconnect from the service without incurring the charge.

Respect for public groups

Article 4

Advertisers and marketers should respect the role of particular electronic news groups, forums or bulletin boards as public meeting places which may have rules and standards as to the acceptable commercial behaviour. Advertising and marketing messages posted to public sites are appropriate: when the forum or site receiving the message has a fundamentally commercial nature or activity; or when the subject or theme of the bulletin board or news group is pertinent to the content of the advertising or marketing message; or when the forum or site has otherwise implicitly or explicitly indicated consent to the receipt of advertising and marketing messages.

Users' rights

Article 5

Collection and use of data

Advertisers and marketers should disclose the purpose(s) for collecting and using personal data to users and should not use the data in a way incompatible with those purposes. Data files should be accurate, complete and kept up-to-date.

2. Data privacy

Advertisers and marketers should take reasonable precautions to safeguard the security of their data files.

3. Disclosure of data

The user should be given the opportunity to refuse the transfer of data to another advertiser or marketer. Personal data should not be disclosed when the user has objected except by authority of law. Online mechanisms should be put in place to allow users to exercise their right to opt-out by electronic means.

4. Correction and blocking of data

Advertisers and marketers should give the user the right to obtain data relating to him and, where appropriate, to have such data corrected, completed, or blocked

5. Privacy policy statements

Advertisers and marketers are encouraged to post their privacy policy statement on their online site. When such privacy policy statements exist, they should be easy to find, easy to use and comprehensible

6. Unsolicited commercial messages

Advertisers and marketers should not send unsolicited commercial messages online to users who have indicated that they do not wish to receive such messages. Advertisers and marketers should make an online mechanism available to users by which the users can make known to the advertisers and marketers that they do not wish to receive future online solicitations. Unsolicited online advertising or marketing commercial messages should be clearly identified as such and should identify the advertiser or marketer.

Advertising for children

Article 6

Advertisers and marketers offering goods or services to children online should:

not exploit the natural credulity of children or the lack of experience of young people and should not strain their sense of loyalty;

not contain any content which might result in harm to children;

identify material intended only for adults;

encourage parents and/or guardians to participate in and/or supervise their children's online activities;

encourage young children to obtain their parent's and/or guardian's permission before the children provide information online, and make reasonable efforts to ensure that parental consent is given;

provide information to parents and/or guardians about ways to protect their children's privacy online.

Respect for the potential sensitivities of a global audience

Article 7

Given the global reach of electronic networks, and the variety and diversity of possible recipients of electronic messages, advertisers and marketers should be especially sensitive regarding the possibility that a particular message might be perceived as pornographic, violent, racist or sexist.

It also categorically states that ICC Codes and Guidelines are always subordinate to existing national law. There is currently no international unanimity as to whether country of origin or country of destination applies to advertising and marketing on the Internet.

Australian Co-Regulation

There is Internet co-regulation in Australia where the industry prepares the code and Australian Broadcasting Authority registers and administers it. The Internet Industry Association is Australia's national Internet industry organisation. Members include telecommunications carriers; content creators and publishers; web developers; e-commerce traders and solutions providers; hardware vendors; systems integrators; banks, insurance underwriters; Internet law firms, ISPs; educational and training institutions; Internet research analysts; and a range of other businesses providing professional and technical support services. On behalf of its members, the IIA provides policy input to government and advocacy on a range of business and regulatory issues, to promote laws and initiatives which enhance access, equity, reliability and growth of the medium within Australia

IIA Content Regulation Code of Practice (version 7.2)

IIA Content Code of Practice version 7.2 was registered in May 2002 and ratified by IIA Board in 2002. Its compliance provides automatic compliance with Broadcasting Services Act; also provides ISPs who are also IIA members with immunity from potential criminal liability under the Racing Administration Act, 1998 (NSW)[11]

The Preamble of the code says: In relation to content control, the IIA recognises that the Internet should provide a means to enable control of access to content in certain circumstances, while acknowledging the limitations of present filtering technologies and impracticality of filtering all Internet content. Nevertheless, the IIA endorses end user empowerment including education, the provision of information, and filtering methods as the most practical means by which responsible adults can facilitate appropriate controls, particularly in the case of children.

The aims of this Code include: to establish confidence in and encourage the use of the Internet; to support systems for management of access to content on the Internet including, without limitation, resource discovery schemes and metadata[12] systems; to improve the fairness and accuracy of disclosure to users of the Internet and the community in general;to provide standards of confidentiality and privacy afforded to users of the Internet; to provide a transparent mechanism for complaint handling for the Internet industry and ensure that complaints against Code Subscribers are handled in a fair and efficient manner; to promote positive user relations with the Internet industry.

Principles

In seeking to achieve its objectives this Code applies the following principles:

as far as possible, there should be "electronic equivalence" i.e. behaviour and transactions that can take place in the real world should be permissible over the Internet without additional requirements or restrictions;

the Code should be technology neutral;

requirements should be fair to all concerned;

requirements should not adversely affect the economic viability of the parties to the Code and the services they make available;

the responsibility for content made available on the Internet rests with the relevant Content Providers;

the privacy of users' details obtained by Code Subscribers in the course of business will be respected.

Content Code 1

5. ISP (Internet Service Providers) Obligations in Relations to Internet Access Generally

5.1 ISPs will take reasonable steps to ensure that Internet access accounts ('access accounts') are not provided to persons under the age of 18 years without the consent of a parent, teacher or other responsible adult. For the purposes of this clause reasonable steps may include one or more of the following:

limiting the opening of access accounts by means of a valid credit card;

by requiring any application to open an access account to be accompanied by some other form of identification by which the age of the person wishing to open the access account can be reasonably ascertained;

placing a prominent notice on the packaging in which the Internet access account is marketed that persons under the age of 18 years should obtain the consent of a parent, teacher or other responsible adult prior to using the Internet access account;

offering a service of a kind described in Schedule 1 in association with the Internet access account or otherwise taking reasonable steps to ensure that the Internet access account does not provide access to Prohibited Content or Potential Prohibited Content such as by means as a closed content system; or

including a procedure in the registration process for the Internet access account through which the person wishing to open the account confirms that they are not under the age of 18 years or that they have obtained the consent of a parent, teacher or other responsible adult prior to using the Internet access account.

5.2 In respect of those of their subscribers who are Content Providers ISPs will:

encourage them to use appropriate labelling systems, in respect of Content which is likely to be considered unsuitable for children according to the National Classification Code, though not Prohibited or Potential Prohibited content; and

(b) inform them of their legal responsibilities, as they may exist under the Act or complementary State or Territory legislation in relation to Content which they intend to provide to the public via the Internet from within Australia.

5.3 ISPs will take reasonable steps to provide users with information about:

supervising and controlling children's access to Internet content;

procedures which parents can implement to control children's access to Internet content, including the availability, use and appropriate application of Internet Content filtering software, labelling systems and filtered Internet carriage services.

For the purposes of clauses 5.2 and 5.3, ISPs shall be deemed to have fulfilled these requirements where they direct users, by means of a link on their Home Page or otherwise, to resources made available for the purpose from time to time by the IIA, the ABA, NetAlert or other organisation approved by the IIA.

5.5 ISPs must take reasonable steps to inform their subscribers:

that placing content on the Internet may entail legal responsibilities under applicable State, Territory or Commonwealth law;

about their right to make complaints to the ABA about Prohibited Content or Potential Prohibited Content; and

about the procedures by which such complaints to the ABA can be made.

For the purposes of clause 5.5, ISPs shall be deemed to have taken reasonable steps where they have included, on their Home Page or prominent Web Page:

information stipulated in paragraphs 5.5 (a), (b) and (c); or

a link to a Web Page containing that information and approved for that purpose by the IIA.

ISPs will have procedures in place to deal with complaints from subscribers in respect of unsolicited email that promotes or advertises Internet sites or parts of Internet sites that enable, or purport to enable, end users to access information that is likely to cause offence to a reasonable adult. An ISP shall be deemed to have complied with this provision where they have provided complainants with, or directed them to, information describing methods by which receipt of unsolicited email of this nature can be minimised.

To the extent applicable, and pursuant to paragraph 60(m) of the Online Services Schedule, an ISP on becoming aware that an Internet Content Host is hosting Prohibited Content in Australia will, provided the ISP is aware of the identity and email address of the Content Host, advise the relevant Content Host by email about the Prohibited Content.

This code was registered by the ABA on 9 May 2002 and will come into effect for implementation on that date. It will be formally reviewed within 18 months from the date of implementation

Content Code 2

6. ISP Obligations in Relations to Access to Content Hosted Outside Australia

Designated notification scheme:

6.1 For the purposes of Content Code 2 and pursuant to the requirements of Clause 40(1)(b) of the Online Services Schedule, a designated notification scheme comprises:

—direct notification, whether by means of email or otherwise, by the ABA to the Suppliers of Scheduled Filters of information by which the relevant Prohibited or Potential Prohibited Content can be identified; and notification by email by the ABA to ISPs on a regular basis of Prohibited or Potential Prohibited Content.

—ISP Procedures in Relation to Access to Content Hosted Outside Australia

6.2 ISPs must follow the procedure in either paragraph (a) or (b) with respect to content notified under the Designated Notification Scheme set out in clause 6.1. These are the procedures to be followed by ISPs in dealing with Internet content pursuant to paragraph 60(2)(d) of the Online Services Schedule.

ISPs who provide Internet access to subscribers within Australia will, as soon as reasonably practicable for each person who subscribes to an ISP's Internet carriage service, provide for use a Scheduled Filter.

Where an ISP seeks to charge for the provision of a Scheduled Filter pursuant to the preceding sub-paragraph, the charge to the user must not exceed the total cost incurred by the ISP in obtaining, supplying and supporting that filter.

For the purposes of this paragraph, provision for use includes the provision of a Scheduled Filter as part of:

an online registration process, and in the case of user installable filters, links to effect download activation and instructions for use;

a disk based registration process; or

a notification containing, in the case of user installable filters, links to effect download activation and instructions for use.

In the case of commercial subscribers, the ISP will, as soon as practicable, provide for use, at a charge and on terms determined by the ISP, such other facility or arrangement that takes account of the subscriber's network requirements and is likely to provide a reasonably effective means of preventing access to Prohibited and Potential Prohibited Content. In this clause, provision for use includes:

providing appropriate software, including any of the Scheduled Filters; or

facilitating access to consultancy services with respect to firewalls or other appropriate technology.

The ABA will not issue standard access prevention notices or special access prevention notices while the designated notification scheme contained in clause 6.1 of this Code is in effect.

Designated alternative access prevention arrangements

6.3 The arrangements set out in the following paragraphs 6.4(a), (b) and (c) constitute 'designated alternative access prevention arrangements' for the purposes of Clause 60(3) of the Online Services Schedule.

6.4 Clause 6.2 of this Code shall have no application in respect of the supply of Internet carriage services by an ISP where an end user is subject to an arrangement that is likely is to provide a reasonably effective means of preventing access to Prohibited or Potential Prohibited Content, for example:

a commercial subscriber who has advised their ISP that they have in place a form of content filtering or control, whether by means of firewall technology or otherwise;

a school, educational or other institutional subscriber similarly protected; or

any other subscriber who has advised their ISP that he or she already has installed a Scheduled Filter.

This code was registered by the ABA on 9 May 2002 and will come into effect for implementation on that date. It will be formally reviewed within 18 months from the date of implementation

Content Code 3

7. Internet Content Host Obligations in Relation to Hosting of Content within Australia

To the extent applicable, each Internet Content Host will take reasonable steps to ensure that content subscription accounts for content hosted by the Internet Content Host ('subscription accounts') are not provided to persons under the age of 18 years without the consent of a parent, teacher or other responsible adult, which reasonable steps may include one or more of the following:

limiting the opening of subscription accounts by means of a valid credit card;

by requiring any application to open an subscription account to be accompanied by some other from of identification by which the age of the person wishing to open the subscription account can be reasonably ascertained;

placing a prominent notice on the site (or promotional material) on which the subscription account is marketed that persons under the age of 18 years should obtain the consent of a parent, teacher or other responsible adult prior to using the subscription account;

(d) offering a service of a kind described in Schedule 1 in association with the subscription account; or otherwise taking reasonable steps to ensure that the subscription account does not provide access to Prohibited Content or Potential Prohibited Content such as by means as a closed content system; or (e)including a procedure in the registration process for the subscription account through which the person wishing to open the account confirms that they are not under the age of 18 years.

7.2 To the extent applicable Internet Content Hosts will:

encourage Content Providers to use appropriate labelling systems, in respect of Content which is likely to be considered unsuitable for children according to the National Classification Code, though not Prohibited or Potential Prohibited content; and

inform Content Providers of their legal responsibilities, as they may exist under the Act or complementary State or Territory legislation in relation to Content which they intend to provide to the public via the Internet from within Australia.

7.3 To the extent applicable, Internet Content Hosts will take reasonable steps to provide users with information about:

supervising and controlling children's access to Internet content;

(b)procedures which users including parents and others responsible for children can implement to control access to Internet content, including the availability, use and appropriate application of Internet Content filtering software, labelling systems and filtered Internet carriage services.

7.4 For the purposes of this clause 7.3, Internet Content Hosts shall be deemed to have fulfilled their requirements where they direct users, by means of a link on their Home Page or otherwise, to resources made available for the purpose from time to time by the the IIA, the ABA, NetAlert, or other organisation approved by the IIA

7.5 Internet Content Hosts will take reasonable steps, for example through the inclusion of a relevant term of the relevant hosting contract or an acceptable use policy, to inform Content Providers for whom hosting services are provided by the Internet Content Host not to place on the Internet content in contravention of any State, Territory or Commonwealth law.

7.6 To the extent applicable, Internet Content Hosts will take reasonable steps to inform users about:

their right to make complaints to the ABA about Prohibited

Content or Potential Prohibited Content; and

procedures as determined by the ABA by which users can make complaints to the ABA about Prohibited Content or Potential Prohibited Content.

7.7 For the purposes of clause 7.6 Internet Content Hosts shall be deemed to have taken reasonable steps where they have included a relevant term or statement in any hosting contract with end-users, any acceptable use policy, a notice on the Internet Content Host's Home Page, a link to the information on a Web Page approved by the IIA for that purpose.

7.8 To the extent applicable, Internet Content Hosts will have procedures in place to deal with complaints from subscribers in respect of unsolicited email that promotes or advertises Internet sites or parts of Internet sites that enable, or purport to enable, end users to access information that is likely to cause offence to a reasonable adult. An Internet Content Host shall be deemed to have complied with this provision where it has provided complainants with, or directed them to, information describing methods by which receipt of unsolicited email of this nature can be minimised.

7.9 When an Internet Content Host has been given a notice under the Act by the ABA that it is hosting on a web server or other content database within its control and within Australia, material which is deemed by the ABA to be Prohibited Content or Potential Prohibited Content:

(a) the Internet Content Host must, within the timeframe required under the Act: remove that Content from the Web Site or database in the case of R-rated content which is not subject to a restricted access system, apply to it such a system; or take any other action provided for under the Act in relation to the notice; and upon doing so, the Internet Content Host must, where applicable, inform the customer who placed that content on the Internet Content Host's Web Site or database that the customer's conduct is a breach of the customer's service conditions

7.10 In addition to the requirements under this section in relation to Prohibited or Potential Prohibited Content, Code Subscriber Internet Content Hosts will act in accordance with the direction of a Relevant Authority as mandated under applicable legislation in respect of any other Content that they host within its control and within Australia.

To the extent applicable, and pursuant to paragraph 60(m) of the Online Services Schedule an Internet Content Host, on becoming aware that another Internet Content Host is hosting Prohibited Content in Australia will, provided the first Internet Content Host is aware of the identity and email address of the second Content Host, advise the second Content Host by email about the Prohibited Content.

This code was registered by the ABA on 9 May 2002 and will come into effect for implementation on that date. It will be formally reviewed within 18 months from the date of implementation.

Enum

ENUM is a technology "protocol" that allows the translation of normal telephone numbers into a format that can be used to store and retrieve Internet addressing information, which can in turn be used to route communications over the Internet. As such, ENUM can help bridge the gap between the traditional telephone network and the Internet. With ENUM and "Voice over Internet Protocol" ("VoIP") technology, an increasing amount of voice communications can be carried over the Internet instead of over the telephone network. Initially, ENUM is likely to be deployed by corporations and other large institutions that seek to reduce their use of traditional telephone services. This technology has the potential to allow large and small users to save money and increase control over and flexibility in their communications.

But ENUM's potential benefits also bring risks in terms of privacy and other public policy concerns.[13] The simplest implementation of ENUM envisions that individuals' personal contact information (such as telephone numbers and e-mail addresses) will be stored in special records located in the Domain Name System (or DNS) of the global Internet. Because the DNS is publicly available, the use of ENUM could significantly compromise the privacy of its users.

A more complex use of ENUM (in conjunction with a "proxy server"), however, offers the opportunity to gain the benefits of ENUM without sacrificing control over personal information. To promote the availability of this approach, any implementation of ENUM should follow a number of important guidelines to ensure that there is a diversity of ENUM service providers and that those providers are able to offer privacy-protecting ENUM options.

Carnivore

Carnivore helps the FBI[14] conduct wiretaps on Internet connections. The FBI explains[15] the origin of the codename: "Carnivore[16] *chews* all the data on the network, but it only actually *eats* the information authorized by a court order."

Carnivore is used in two ways: as a "content-wiretap" and a "trap-and-trace / pen register". It is most often used in the second mode. A telephone "content wiretap" is where law enforcement eavesdrops on the suspect's telephone calls, recording the oral communications on tape. Carnivore can do similar things for Internet communication: capture all e-mail messages to and from a specific user's account, capture all the network traffic to and from a specific user or IP address. A less invasive style of wiretapping is the telephone " trap-and-trace" where police tracks all the caller IDs of inbound telephone calls. There is a similar feature known as "pen register" that tracks all *outbound* telephone numbers dialed. If you are a suspected drug dealer, the FBI might perform a virtual stake out where they put a trap-and-trace plus pen register on your phone in order to discover everyone you call, and everyone who calls you. Similar functionality for the Internet consists of:capture all the e-mail headers (including e-mail addresses) going to and from an e-mail account, but not the actual contents (or Subject: line) list all the servers (web servers, FTP servers) that the suspect accesses, but don't capture the content of this communication track everyone who accesses a specific web page or FTP file track all web pages or FTP files that a suspect accesses

Carnivore acts like a "packet sniffer"[17]. All Internet traffic is broken down into bundles called "packets". Carnivore eavesdrops on these packets watching them go by, then saves a copy of the packets it is interested in. It is important to note that Carnivore is a passive wiretap. It does not interfere with communication.

FBI says: Carnivore serves to limit the messages viewable by human eyes to those, which are strictly included within the court order. ISP knowledge and assistance, as directed by court order, is required to install the device. The use of the Carnivore system by the FBI is subject to intense oversight from internal FBI controls, the U. S. Department of Justice (both at a Headquarters level and at a U.S. Attorney's Office level), and by the Court. There are significant penalties for misuse of the tool, including exclusion of evidence, as well as criminal and civil penalties. The system is not susceptible to abuse because it requires expertise to install and operate, and such operations are conducted, as required in the court orders, with close cooperation with the ISPs.

But people are worried about the privacy implications of Carnivore. How (exactly) Carnivore works, and whether there are bugs that lead to privacy violations? How Carnivore can be misused by FBI or other agencies? The privacy debate of wiretaps in general, and the changing rules of the Internet in particular. The FBI claims that it is sharing information regarding Carnivore with industry to assist them in their efforts to develop open standards for complying with wiretap requirements. "This is a matter of employing new technology to lawfully obtain important information while providing enhanced privacy protection."[18]

Echelon

A number of news reports[19] towards the end of twentieth century pointed to existence of ECHELON, perhaps the most powerful intelligence gathering organization in the world.

The US National Security Agency (NSA) has created this global spy system, code name ECHELON[20], which captures and analyzes virtually every phone call, fax, email and telex message sent anywhere in the world. ECHELON is controlled by the NSA and is operated in conjunction with the Government Communications Head Quarters (GCHQ) of England, the Communications Security Establishment (CSE) of Canada, the Australian Defense Security Directorate (DSD), and the General Communications Security

Bureau (GCSB) of New Zealand. These organizations are bound together under a secret 1948 agreement, UKUSA, whose terms and text remain under wraps even today.[21]

It has positioned intercept stations all over the world to capture all satellite, microwave, cellular and fiber-optic communications traffic, and then process this information through the massive computer capabilities including advanced voice recognition and optical character recognition (OCR) programs. It looks for code words or phrases that will prompt the computers to flag the message for recording and transcribing for future analysis. This vast quantity of voice and data communications are then processed through sophisticated filtering technologies.

For ten years, Margaret Newsham worked for the US munitions and computer firms Signal Science, Ford Aerospace and Lockheed Martin. They had contracts for the development and upgrading of Echelon satellites and computers, which the companies designed for the intelligence agency NSA. The NSA cooperates closely with the CIA and NRO (National Reconnaissance Organization). For two years, Newsham shared the responsibility for the day-to-day functioning of Echelon's computer network at Menwith Hill, England. She said in an interview, "The surveillance was incredibly target-oriented. We were capable of singling out an individual or organization and monitoring all electronic communication - real time - and all the time. The person was monitored without ever having a chance to discover it, and most of the information was sent with lightening speed to another station using the enormous digital capacity at our command. Everything took place without a search warrant."[22]

A former Maryland Congressman, Michael Barnes, claimed in a 1995 *Baltimore Sun* article that under the Reagan Administration his phone calls were regularly intercepted, which he discovered only after reporters had been passed transcripts of his conversations by the White House. Several GCHQ officials became concerned about the targeting of peaceful political groups and told the *London Observer* in 1992 that the ECHELON dictionaries targeted Amnesty International, Greenpeace, and even Christian ministries.

Since the demise of Communism in Eastern Europe, the intelligence agencies have searched for a new justification for their surveillance capability in order to protect their prominence and their bloated budgets. Their solution was to redefine the notion of national security to include economic, commercial and corporate concerns. An office was created within the Department of Commerce, the Office of Intelligence Liaison, to forward intercepted materials to major US corporations. In many cases, the beneficiaries of this commercial espionage effort are the very companies that helped the NSA develop the systems that power the ECHELON network. This incestuous relationship is so strong that sometimes this intelligence information is used to push other American manufacturers out of deals in favor of these mammoth US defense and intelligence contractors, who frequently are the source of major cash contributions to both political parties, points out Duncan Campbell.[23]

There has been tension between US and EU[24] on ECHELON as European Parliament on 5 July 2000 set up a Temporary Committee on the ECHELON Interception System and European Parliament approved a resolution[25] on 5 September, 2001 by 367 votes for, 159 against and 39 abstention. This resolution noted the existence of a global system for intercepting communications, operating by means of cooperation proportionate to their capabilities among the US, the UK, Canada, Australia and New Zealand under the UKUSA Agreement, is no longer in doubt. "Whereas it seems likely, in view of the evidence and the consistent pattern of statements from a very wide range of individuals and organisations, including American sources, that its name is in fact ECHELON, although this is a relatively minor detail."

It recalled Council at the plenary sitting of 30 March 2000 to the effect that 'the Council cannot accept the creation or existence of a telecommunications interception system which does not respect the laws of the Member States and which violates the fundamental principles aimed at protecting human dignity'

It mentioned that the US intelligence services do not merely investigate general economic facts but also intercept detailed communications between firms, particularly where contracts are being awarded, and they justify this on the grounds of combating attempted bribery; whereas detailed interception poses the risk that information may be used for the purpose of competitive intelligence-gathering rather than combating corruption, even though the US and the United Kingdom state that they do not do so; whereas, however, the role of the Advocacy Center of the US Department of Commerce is still not totally clear and talks arranged with the Center with a view to clarifying the matter were cancelled.

According to resolution during the visit by the delegation from the Temporary Committee to the US, authoritative sources confirmed the US Congress Brown Report, indicating that 5% of intelligence gathered via non-open sources is used as economic intelligence; whereas it was estimated by the same sources that this intelligence surveillance could enable US industry to earn up to USD 7 billion in contracts.

After years of denying the existence of ECHELON, the Dutch government issued a letter that stated: "Although the Dutch government does not have official confirmation of the existence of Echelon by the governments related to this system, it thinks it is plausible this network exists. The government believes not only the governments associated with Echelon are able to intercept communication systems, but that it is an activity of the investigative authorities and intelligence services of many countries with governments of different political signature."[26]

The ethical aspect of echelon was sent to back burner after the September 11 attacks in the US in 2001 with the rhetoric of "War on Terror". But the ethical aspect of Echelon or its successors will always remain in focus for moral reasons.

Notes and References

[1] Invisible space in which Internet operates.

[2] RENO, ATTORNEY GENERAL OF THE UNITED STATES, et al. v. AMERICAN CIVIL

LIBERTIES UNION et al. appeal from the United States district court for the eastern district of Pennsylvania No. 96-511. Argued March 19, 1997 Decided June 26, 1997.

[3] Ginsberg v. New York, FCC v. Pacifica Foundation, and Renton v. Playtime Theatres, Inc.

[4] Red Lion Broadcasting Co. v. FCC.

[5] Turner Broadcasting System, Inc. v. FCC

[6] Sable Communications of Cal., Inc. v. FCC.

[7] infowar.com

[8] Document n° 240/394 Rev.4

[9] April 1998.

[10] This term until recently was used for folk media, but now it means newspapers, books, radio, films and television. All these become "new media" on reaching cyberspace.

[11] New South Wales.

[12] Metadata is data about data. It describes the attributes and contents of an original document or work. It has become a buzzword in the information business, the concept is important for both authors and seekers of electronic information. Used effectively, it makes information accessible by labeling its contents consistently. Metadata leaves a pathway for users to follow to find the information they need—all in one place. In invisible cyberspace, this is even more important than in a library where desperate users at least have shelves to browse.

[13] Internet Standards, Technology and Policy Project of Center for Democracy and Technology: Enum: Mapping Telephone Numbers onto the Internet Potential Benefits with Public Policy Risks posted on 7 April 2003.

[14] Federal Bureau of Investigation, US agency. The FBI originated from a force of Special Agents created in 1908 by Attorney General Charles Bonaparte during the Presidency of Theodore Roosevelt.

[15] In recent years, the FBI has encountered an increasing number of criminal investigations in which the criminal subjects use the Internet to communicate with each other or to communicate with their victims. Because many Internet Service Providers (ISP) lacked the ability to discriminate communications to identify a particular subject's messages to the exclusion of all others, the FBI designed and developed a diagnostic tool, called Carnivore. (FBI website as seen on 5 September 2003)

[16] The Carnivore device provides the FBI with a "surgical" ability to intercept and collect the communications which are the subject of the lawful order while ignoring those communications which they are not authorized to intercept. This type of tool is necessary to meet the stringent requirements of the federal wiretapping statutes.

[17] According to FBI: The Carnivore device works much like commercial "sniffers" and other network diagnostic tools used by ISPs every day, except that it provides the FBI with a unique ability to distinguish between communications which may be lawfully intercepted and those which may not. For example, if a court order provides for the lawful interception of one type of communication (e.g., e-mail), but excludes all other communications (e.g., online shopping) the Carnivore tool can be configured to intercept only those e-mails being transmitted either to or from the named subject.

[18] http://www.fbi.gov/hq/lab/carnivore/carnivore2.htm.

[19] For example, the *Cleveland Plain Dealer* report in July 1988 that Echelon system had been used to target the telephone calls of a US Senator, Strom Thurmond; Duncan Campbell's article in New Statesman dated 12 August 1988 focussing on UK operations; *Nihon Keizai Shimbun* report that the NSA listened in on 1990 negotiations between Japan's NEC Corp. and the Indonesian government over the purchase of telecommunications machinery. It used the information to urge Jakarta to award half the contract to AT&T.

[20] Project P415 is another name for this project at least at Lockheed Martin whose employee Margaret Newsham was one of the whistle blowers. Margaret Newsham, former employee of Lockheed Martin, which is the largest supplier of munitions to the US military services and to their intelligence agencies, the NSA and the CIA. During the eighties, Lockheed Martin took over LORAL Space Systems and Ford Aerospace which also deliver monitoring equipment to the espionage agencies. Margaret Newsham worked for the NSA through her employment at Ford and Lockheed from 1974 to 1984. In 1977 and 1978, Newsham was stationed at the largest listening post in the world at Menwith Hill, England. She received on-the-job training at NSA headquarters at Fort George Meade in Maryland, USA,

[21] *Ekstra Bladet* has documented the existence of Echelon in a long series of articles in 1999. Denmark is affiliated with the Echelon network as a third party, and the most important Danish listening post is located at Aflandshage on the island of Amager.

[22] In an interview to a Denmark publication *Ekstra Bladet* published on 18 November 1999.

[23] Duncan Campbell in "Somebody's listening" in *New Statesman*, 12 August 1988.

[24] A BBC in a report "Echelon: Big brother without a cause?"(6 July 2000) mentions:

A report published by the European Parliament in February alleges that Echelon twice helped US companies gain a commercial advantage over European firms. Duncan Campbell, the British intelligence expert and journalist who wrote the report, raises the prospect that hundreds of US Department of Commerce "success stories", when US companies beat off European and Japanese commercial opposition, could be attributed to the filtering powers of Echelon. Listening in Echelon evolved out of Cold War espionage arrangements set up by the US and UK in 1948, and later bringing in Australia, Canada and New Zealand, in their capacity as Britain's Commonwealth partners. The biggest of Echelon's global network of listening posts is at Menwith Hill, North Yorkshire, where about 30 "giant golf balls" called radomes litter the landscape. The system also boasts 120 American satellites in geostationary orbit. Bases in the five countries are linked directly to the headquarters of the secretive US National Security Agency (NSA) headquarters at Fort Mead, Maryland. The system's superpowerful voice recognition capability enables it to filter billions of international communications for whatever key words or word patterns are programmed in. Mr. Campbell believes that when the Cold War ended, this under-employed intelligence apparatus was put to use for economic gain. "There's no safeguards, no remedies, " he said. "There's nowhere you can go to say that they've been snooping on your international communications. It is a totally lawless world."

[25] European Parliament resolution on the existence of a global system for the interception of private and commercial communications (ECHELON interception system) (2001/2098(INI)), A5-0264/2001, PE 305.391/DEF (Sept. 5, 2001).

[26] Jelle van Buuren, *Dutch Government Says Echelon Exists*, Heise Telepolis, Jan. 20, 2001

Public Relations

The textbook definition of Public Relations that evolved[1] in the last century is: Public Relations is the management function that identifies, establishes, and maintains mutually beneficial relationships between an organization and the various publics on whom its success or failure depends[2].

Perhaps most communication professionals are involved in public relations. Historically this communication profession has developed from press agentry and propagandizing. When these terms acquired bad connotations public relations evolved. Even this is being superceded by public information and public affairs.

The US Congress passed a law in 1913 supposedly preventing the federal government from employing publicity agents or PR agents. But the US Government today at all levels and in every department or agency, employs large number of people who do work of publicity or PR agent, even if they do not use those titles. Congress itself has become one of the branches of Government best able to promote itself.

Public relations firms are getting much more sophisticated about managing the news media. Media manipulation has evolved considerably since the days when a well-connected flack could place a story simply by calling up a columnist or editor. Current bag of tricks includes such time-honored ploy as using media foibles and competition to keep a story alive as well as media assistance and image enhancement. It also includes to keep client's name out of the news. A good lobbyist can make news happen by putting it in the right mouths. After Richard Nixon Rehabilitation Campaign of Hill and Knowlton's Bob Gray Nixon the Monster became Nixon the Elder Statesman.[3]

An "Official Statement on Public Relations" was formally adopted by the Public Relations Society of America Assembly on November 6, 1982[4]. It is :

Public relations helps our complex, pluralistic society to reach decisions and function more effectively by contributing to mutual understanding among groups and institutions. It serves to bring private and public policies into harmony.

Public relations serves a wide variety of institutions in society such as businesses, trade unions, government agencies, voluntary associations, foundations, hospitals, schools, colleges, and religious institutions. To achieve their goals, these institutions must develop effective relationships with many different audiences or publics such as employees, members, customers, local communities, shareholders, and other institutions, and with society at large.

The managements of institutions need to understand the attitudes and values of their public in order to achieve institutional goals. The goals themselves are shaped by the external environment. The public relations practitioner acts as a counselor to management and as a mediator, helping to translate private aims into reasonable, publicly acceptable policy and action.

As a management function, public relations encompasses the following:

- Anticipating, analyzing and interpreting public opinion, attitudes, and issues that might impact, for good or ill, the operations and plans of the organization.
- Counseling management at all levels in the organization with regard to policy decisions, courses of action, and communication, taking into account their public ramifications and the organization's social or citizenship responsibilities.
- Researching, conducting, and evaluating, on a continuing basis, programs of action and communication to achieve the informed public understanding necessary to the success of an organization's aims. These may include marketing, financial, fund raising, employee, community or government relations, and other programs.
- Planning and implementing the organization's efforts to influence or change public policy.

- Setting objectives, planning, budgeting, recruiting and training staff, developing facilities — in short, managing the resources needed to perform all of the above.
- Examples of the knowledge that may be required in the professional practice of public relations include communication arts, psychology, social psychology, sociology, political science, economics, and the principles of management and ethics. Technical knowledge and skills are required for opinion research, public-issues analysis, media relations, direct mail, institutional advertising, publications, film/video productions, special events, speeches, and presentations.

In helping to define and implement policy, the public relations practitioner uses a variety of professional communication skills and plays an integrative role both within the organization and between the organization and the external environment.

In fact, professions evolve through practices of successful practitioners. It is true more of public relations that many other professions. The Museum of Public Relations founded in 1997 has on its home page four great PR personalities: Edward L. Bernays, Moss Kendrix, Carl Byoir and Arthur W. Page. None of them had a PR degree but their practices and achievements have evolved public relations as a profession. Of the four Edward L. Bernays and Arthur W. Page are particularly relevant to corporate communication as they evolved the field by their work with General Motors (GM) and American Telephone and Telegraph Company (AT &T), respectively.

At the time when public relations was under heavy scrutiny and attack as the public still looked upon it as sensationalism and a menace to the integrity of the press, Edward L. Bernays (1891-1994), a nephew of Sigmund Freud, converted General Motors's president and CEO Alfred P.Sloan, Jr. to PR. As General Motors embraced public relations, so did the rest of the United States. Clearly, the corporate perception of public relations was advanced through Bernays's work. He is called father of public relations.

Arthur W. Page (1883-1960) is credited as being the founder of corporate public relations. As the Vice President of Public Relations for the American Telephone and Telegraph Company

(AT&T), he pioneered innovative PR practices that form part of post-modern corporate PR practices.

As vice president of public relations for AT&T from 1927 to 1946 his practices laid the foundation for public relations as a corporate management policy function. More than two decades after his death in 1983, the Arthur W. Page Society was founded as a professional organization with a single mission: to strengthen the management policy role of the chief corporate public relations officer. The Society currently comprises approximately 280 members – chief corporate public relations officers of major companies, as well as other leaders in the public relations profession who are closely related to corporate public relations.

Fleishman-Hillard Inc. has become the world's leading public relations firm, according to the figures released by the Council of Public Relations Firms on 25 April 2001 beating in revenue four rivals Burson-Marsteller, Hill & Knowlton, Weber Shandwick, and Porter Novelli. On the occasion, the Chairman and Chief Executive Officer of Fleishman-Hillard, John Graham said, "But it's important to note that we never set out to be the biggest agency in the world, only to be the best – through smart, dedicated people; top-quality client service; and a strong culture based on teamwork, personal commitment, and the highest ethical standards. Those are the major factors that have driven our growth, and will continue to drive it in the future."

In 1946, in St. Louis, Missouri, Al Fleishman and Bob Hillard had started this firm and it served a mainly regional client base, until 1974 when John Graham was named president. Under his leadership, Fleishman-Hillard has undergone the most dynamic period of domestic and international expansion. Fleishman-Hillard grew from two offices in St. Louis and Kansas City, to over 70 offices located throughout North America, Europe, Asia, Latin America, and South Africa.

Delivering the Hall Of Fame Lecture at the17th Annual Conference of Arthur W. Page Society (September 24-26, 2000) at Charleston, South Carolina John Graham said, " I think we need to remember the most basic lesson of all. It is the fundamental advice I give our clients and our agency staff, and it is this: Do the right thing. In my years in the business, I have never seen a company unduly punished for doing the right thing for its customers, its employees and its shareowners. And when you think about it, doing the right thing is the best way to sum up the principles that Arthur Page himself set out for our profession so many years ago. They survive to this day because they reflect a basic truth."

As John Graham said in the above lecture, "Companies operate with the blessing of the public. Those blessings are manifested in various ways, in sales, in the stock price, in media coverage, in legislation and regulation and in every case, public opinion is the underpinning." When information traveled as fast as the telegraph Mark Twain said: a lie races half way around the world before truth can get its boots on. Today we have to think in terms of real time responses to bad information. Not in terms of the next news cycle, but right now as news cycle does not exist anymore.

Besides this, economic upheavals, demographic shifts, political winds, everything is in flux. The greatest thing is to prepare corporations and clients accordingly. Increasingly, it is the responsibility of PR professionals to anticipate these changes, analyze their potential impact on clients and corporations from the standpoint of public perception and design and implement programs to help them meet these changes.

Every profession has codes of ethics. As there is a large number of societies and associations devoted to public relations around the world it is not possible to reproduce every code. However, on analysis one finds that most have similar principles but the words in putting them together may vary more or less. Some of them are improving these codes with the changes in Internet Century in mind. Here are representatives of three different categories of organisations:

Arthur W. Page Society

The Arthur W. Page Society[5] was founded as a professional organization with a single mission: to strengthen the management policy role of the chief corporate public relations officer. The Society currently comprises approximately 280 members – chief corporate public relations officers of major companies, as well as other leaders in the public relations profession who are closely related to corporate public relations. Edward I. Adler Senior Vice President of Corporate Communications for AOL Time Warner is a member of this society.[6]

The Page Philosophy

Arthur W. Page viewed pubic relations as the art of developing, understanding and communicating character — both corporate and individual. This vision was a natural outgrowth of his belief in humanism and freedom as America's guiding characteristics and as preconditions for capitalism. The successful corporation, Page believed, must shape its character in concert with the nation's. It must operate in the public interest, manage for the long run and make customer satisfaction its primary goal.

He described the dynamic this way: "Real success, both for big business and the public, lies in large enterprise conducting itself in the public interest and in such a way that the public will give it sufficient freedom to serve effectively."

Page practiced six principles of public relations management as a means of implementing his philosophy:

* Tell the truth. Let the public know what's happening and provide an accurate picture of the company's character, ideals, and practices.
* Prove it with action. Public perception of an organization is determined 90 percent by doing and ten percent by talking.
* Listen to the customer. To serve the company well, understand what the public wants and needs. Keep top decision-makers and other employees informed about public reaction to company products, policies, and practices.
* Manage for tomorrow. Anticipate public reaction and eliminate practices that create difficulties. Generate goodwill.
* Conduct public relations as if the whole company depends on it. Corporate relations is a management function. No corporate strategy should be implemented without considering its impact on the public. The public relations professional is a policymaker capable of handling a wide range of corporate communications activities.

* Remain calm, patient, and good-humored. Lay the groundwork for public relations miracles with consistent, calm, and reasoned attention to information and contacts. When a crisis arises, remember that cool heads communicate best.

Page recognized an additional truth: a company's true character is expressed by its people. This makes every active and retired employee a part of the public relations organization. So it is the responsibility of the public relations function to support each employee's capacity to be an honest, knowledgeable ambassador to customers, friends, and public officials.

Establishing Principles for Public Relations on the Internet

All public relations associations and news organizations share a common understanding for the need to adhere to ethical standards in communications with the public. Although statements of values regarding communications principles may take different forms, they are founded on certain basic tenets.

Seek the truth.

Minimize harm to others.

Be accountable for your actions.

Such unalienable principles are the underpinnings of honesty and fairness in everything we do as communicators.

As the newest communications tool, the Internet presents tremendous opportunities to build positive, productive relationships with a variety of publics. It also presents tremendous challenges to professional standards and ethical practices. The digital world is open and transparent. Erroneous or misleading information can be posted on the Internet and instantly and widely disseminated. Anonymity on Web sites can cause irreparable harm. The news media, which increasingly uses the Internet as an information source, demands accuracy. Public relations practitioners risk losing credibility for themselves and their clients if they violate that trust.

The following principles, developed by the Arthur W. Page Society, are presented as a vehicle for public relations to attain and maintain the highest possible standards in the digital world.

1. Present Fact-Based Content. (a) Tell the truth at all times. (b) Ensure timely delivery of information. (c) Tell the full story, adhering to accepted standards for accuracy of information.
2. Be an Objective Advocate. (a) Act as a credible information source, providing round-the-clock access. (b) Know your subject. (c) Rely on credible sources for expert advice. (d) Offer opportunities for dialogue and direct interaction with expert sources. e. Reveal the background of experts, disclosing any potential conflicts of interest or anonymous economic support of web content.
3. Earn the Public's Trust. (a) Simultaneously contact multiple stakeholders with relevant and accurate information. (b) Disclose all participation in online chat rooms and conferences. (c) Correct information that is online. (d) Provide counsel on privacy, security and other online trust issues.
4. Educate the Public Relations Profession on Best Practices (a) Compile case studies on the best use of the new media. (b) Advance and encourage industry-wide adoption of best practices on the Internet. (c) Practice principled leadership in the digital world, adhering to the highest standards.

PRSA

With the vision to unify, strengthen and advance the profession of public relations, the Public Relations Society of America (PRSA)[7] has established itself as the pre-eminent organization that builds value, demand and global understanding for public relations.

PRSA is the world's largest organization for public relations professionals.[8] Its nearly 20,000 members, organized worldwide in over 100 chapters, represent business and industry, technology, counseling firms, government, associations, hospitals, schools, professional services firms and nonprofit organizations.

Chartered in 1947, PRSA's primary objectives are to advance the standards of the public relations profession and to provide members with professional development opportunities through continuing education programs, information exchange forums and research projects conducted on the national and local levels.

The PRSA Assembly adopted this Code of Ethics in 2000. It replaces the Code of Professional Standards (previously referred to as the Code of Ethics) that was last revised in 1988.

This Code applies to PRSA members. The Code is designed to be a useful guide for PRSA members as they carry out their ethical responsibilities. This document is designed to anticipate and accommodate, by precedent, ethical challenges that may arise. The scenarios outlined in the Code provision are actual examples of misconduct. More will be added as experience with the Code occurs.

The Public Relations Society of America (PRSA) is committed to ethical practices. The level of public trust PRSA members seek, as we serve the public good, means we have taken on a special obligation to operate ethically.

The value of member reputation depends upon the ethical conduct of everyone affiliated with the Public Relations Society of America. Each of us sets an example for each other - as well as other professionals - by our pursuit of excellence with powerful standards of performance, professionalism, and ethical conduct.

Emphasis on enforcement of the Code has been eliminated. But, the PRSA Board of Directors retains the right to bar from membership or expel from the Society any individual who has been or is sanctioned by a government agency or convicted in a court of law of an action that is in violation of this Code.

Ethical practice is the most important obligation of a PRSA member. We view the Member Code of Ethics as a model for other professions, organizations, and professionals.

PRSA Member Statement of Professional Values

This statement presents the core values of PRSA members and, more broadly, of the public relations profession. These values provide the foundation for the Member Code of Ethics and set the industry standard for the professional practice of public relations. These values are the fundamental beliefs that guide our behaviors and decision-making process. We believe our professional values are vital to the integrity of the profession as a whole.

ADVOCACY

- We serve the public interest by acting as responsible advocates for those we represent.
- We provide a voice in the marketplace of ideas, facts, and viewpoints to aid informed public debate.

HONESTY

- We adhere to the highest standards of accuracy and truth in advancing the interests of those we represent and in communicating with the public.

EXPERTISE

- We acquire and responsibly use specialized knowledge and experience.
- We advance the profession through continued professional development, research, and education.
- We build mutual understanding, credibility, and relationships among a wide array of institutions and audiences.

INDEPENDENCE

- We provide objective counsel to those we represent.
- We are accountable for our actions.

LOYALTY

- We are faithful to those we represent, while honoring our obligation to serve the public interest.

FAIRNESS

- We deal fairly with clients, employers, competitors, peers, vendors, the media, and the general public.
- We respect all opinions and support the right of free expression.

PRSA Code Provisions

Free Flow of Information

Core Principle

Protecting and advancing the free flow of accurate and truthful information is essential to serving the public interest and contributing to informed decision making in a democratic society.

Intent

- To maintain the integrity of relationships with the media, government officials, and the public.
- To aid informed decision-making.

Guidelines

A member shall:

- Preserve the integrity of the process of communication.
- Be honest and accurate in all communications.
- Act promptly to correct erroneous communications for which the practitioner is responsible.
- Preserve the free flow of unprejudiced information when giving or receiving gifts by ensuring that gifts are nominal, legal, and infrequent.

Examples of Improper Conduct Under this Provision:

- A member representing a ski manufacturer gives a pair of expensive racing skis to a sports magazine columnist, to influence the columnist to write favorable articles about the product.
- A member entertains a government official beyond legal limits and/or in violation of government reporting requirements.

Competition

Core Principle

Promoting healthy and fair competition among professionals preserves an ethical climate while fostering a robust business environment.

Intent

- To promote respect and fair competition among public relations professionals.
- To serve the public interest by providing the widest choice of practitioner options.

Guidelines

A member shall:

- Follow ethical hiring practices designed to respect free and open competition without deliberately undermining a competitor.
- Preserve intellectual property rights in the marketplace.

Examples of Improper Conduct Under This Provision:

- A member employed by a "client organization" shares helpful information with a counseling firm that is competing with others for the organization's business.
- A member spreads malicious and unfounded rumors about a competitor in order to alienate the competitor's clients and employees in a ploy to recruit people and business.

Disclosure of Information

Core Principle

Open communication fosters informed decision making in a democratic society.

Intent

- To build trust with the public by revealing all information needed for responsible decision making.

Guidelines

A member shall:

- Be honest and accurate in all communications.
- Act promptly to correct erroneous communications for which the member is responsible.
- Investigate the truthfulness and accuracy of information released on behalf of those represented.
- Reveal the sponsors for causes and interests represented.
- Disclose financial interest (such as stock ownership) in a client's organization.
- Avoid deceptive practices.

Examples of Improper Conduct Under this Provision:

- Front groups: A member implements "grass roots" campaigns or letter-writing campaigns to legislators on behalf of undisclosed interest groups.

- Lying by omission: A practitioner for a corporation knowingly fails to release financial information, giving a misleading impression of the corporation's performance.
- A member discovers inaccurate information disseminated via a Web site or media kit and does not correct the information.
- A member deceives the public by employing people to pose as volunteers to speak at public hearings and participate in "grass roots" campaigns.

Safeguarding Confidences

Core Principle

Client trust requires appropriate protection of confidential and private information.

Intent

- To protect the privacy rights of clients, organizations, and individuals by safeguarding confidential information.

Guidelines

A member shall:

- Safeguard the confidences and privacy rights of present, former, and prospective clients and employees.
- Protect privileged, confidential, or insider information gained from a client or organization.
- Immediately advise an appropriate authority if a member discovers that confidential information is being divulged by an employee of a client company or organization.

Examples of Improper Conduct Under This Provision:

- A member changes jobs, takes confidential information, and uses that information in the new position to the detriment of the former employer.
- A member intentionally leaks proprietary information to the detriment of some other party.

Conflicts of Interest

Core Principle

Avoiding real, potential or perceived conflicts of interest builds the trust of clients, employers, and the publics.

Intent

- To earn trust and mutual respect with clients or employers.
- To build trust with the public by avoiding or ending situations that put one's personal or professional interests in conflict with society's interests.

Guidelines

A member shall:

- Act in the best interests of the client or employer, even subordinating the member's personal interests.
- Avoid actions and circumstances that may appear to compromise good business judgment or create a conflict between personal and professional interests.
- Disclose promptly any existing or potential conflict of interest to affected clients or organizations.
- Encourage clients and customers to determine if a conflict exists after notifying all affected parties.

Examples of Improper Conduct Under This Provision

- The member fails to disclose that he or she has a strong financial interest in a client's chief competitor.
- The member represents a "competitor company" or a "conflicting interest" without informing a prospective client.

Enhancing the Profession

Core Principle

Public relations professionals work constantly to strengthen the public's trust in the profession.

Intent

- To build respect and credibility with the public for the profession of public relations.

- To improve, adapt and expand professional practices.

Guidelines

A member shall:

- Acknowledge that there is an obligation to protect and enhance the profession.
- Keep informed and educated about practices in the profession to ensure ethical conduct.
- Actively pursue personal professional development.
- Decline representation of clients or organizations that urge or require actions contrary to this Code.
- Accurately define what public relations activities can accomplish.
- Counsel subordinates in proper ethical decision making.
- Require that subordinates adhere to the ethical requirements of the Code.
- Report ethical violations, whether committed by PRSA members or not, to the appropriate authority.

Examples of Improper Conduct Under This Provision:

- A PRSA member declares publicly that a product the client sells is safe, without disclosing evidence to the contrary.
- A member initially assigns some questionable client work to a non-member practitioner to avoid the ethical obligation of PRSA membership.

Council of Public Relations Firms

The Council of Public Relations Firms[9] represents the business of public relations with 122 firms, including top 10 and 65 per cent of to 50 firms. Its mission is to build the business of public relations by advocating to business professionals the value of public relations as a strategic business tool, promoting the benefits of careers in public relations to prospective employees, and assisting members and their clients in setting the standards for the profession. Its code is:

Members of the Council commit to standards of practice that assure clients, the public and media, employees, and business partners and vendors the highest level of professionalism and ethical conduct in every relationship with a Council member. This commitment is a requirement for application and continued membership in the Council.

Member firms will serve their clients by applying their fullest capability to achieve each client's business objectives, and charging a fair price for that service. Members will avoid representing any conflicting or competing client interests without the expressed approval of those concerned. Council firms and their employees will respect client confidences and the privacy of client employees, and will refrain from recruiting employees of their clients.

In communicating with the public and media, member firms will maintain total accuracy and truthfulness. To preserve both the reality and perception of professional integrity, information that is found to be misleading or erroneous will be promptly corrected and the sources of communications and sponsors of activities will not be concealed.

Council members will respect the personal rights of their employees and former employees. They will provide employees the necessary tools to serve their clients and opportunities to develop their professional skills. They will safeguard the privacy and protect the professional reputation of current and former employees.

Commercial relationships with business partners and vendors will be handled in a businesslike manner, and credit will be given for ideas and services provided by others.

Institute of Public Relations

Institute of Public Relations (IPR) is the leading professional body for the UK public relations industry. At the beginning of 2003 it had 7,500 members (2,000 in 1990) the largest public relations membership body in Europe. The IPR operates a Code of Professional Conduct and disciplinary powers to which all members agree to adhere. The Professional Practices Committee of the Institute has occasion to handle complaints brought against members of the Institute who are thought to be in breach of the Code.

In regard to the supply of public relations services, the Code emphasises that honest and proper regard for the public interest, reliable and accurate information, and never misleading clients, employers and other professionals about the nature of representation or what can be competently delivered or achieved, are vital components to robust professional practice. Following extensive consultation, and comparison with several codes of other professional and public relations bodies to ensure broad consistency, a revised section A of the Code[10] was ratified at the IPR's October 2000 AGM

IPR Principles

Members of the Institute of Public Relations agree to:

i. Maintain the highest standards of professional endeavour, integrity, confidentiality, financial propriety and personal conduct;
ii. Deal honestly and fairly in business with employers, employees, clients, fellow professionals, other professions and the public;
iii. Respect the customs, practices and codes of clients, employers, colleagues, fellow professionals and other professions in all countries where they practise;
iv. Take all reasonable care to ensure employment of the best practice including giving no cause for complaint of unfair discrimination on any ground;
v. Work within the legal and regulatory frameworks affecting the practice of public relations in all countries where they practise;
vi. Encourage professional training and development among members of the profession;
vii. Respect and abide by this Code and related Notes of Guidance issued by the Institute of Public Relations and encourage others to do the same.

Principles of Good Practice

Fundamental to good public relations practice are:

Integrity

- Honest and responsible regard for the public interest;

- Checking the reliability and accuracy of information before dissemination;
- Never knowingly misleading clients, employers, employees, colleagues and fellow professionals about the nature of representation or what can be competently delivered and achieved;
- Supporting the IPR Principles by bringing to the attention of the IPR examples of malpractice and unprofessional conduct.

Competence

- Being aware of the limitations of professional competence: without limiting realistic scope for development, being willing to accept or delegate only that work for which practitioners are suitably skilled and experienced;
- Where appropriate, collaborating on projects to ensure the necessary skill base;
- Transparency and conflicts of interest;
- Disclosing to employers, clients or potential clients any financial interest in a supplier being recommended or engaged;
- Declaring conflicts of interest (or circumstances which may give rise to them) in writing to clients, potential clients and employers as soon as they arise;
- Ensuring that services provided are costed and accounted for in a manner that conforms to accepted business practice and ethics.

Confidentiality

- Safeguarding the confidences of present and former clients and employers;
- Being careful to avoid using confidential and 'insider' information to the disadvantage or prejudice of clients and employers, or to self-advantage of any kind;
- Not disclosing confidential information unless specific permission has been granted or the public interest is at stake or if required by law.

Maintaining professional standards

IPR members are encouraged to spread awareness and pride in the public relations profession where practicable by, for example:

- Identifying and closing professional skills gaps through the Institute's Continuous Professional Development programme;
- Offering work experience to students interested in pursuing a career in public relations;
- Participating in the work of the Institute through the committee structure, special interest and vocational groups, training and networking events;
- Encouraging employees and colleagues to join and support the IPR;
- Displaying the IPR designatory letters on business stationery;
- Specifying a preference for IPR applicants for staff positions advertised;
- Evaluating the practice of public relations through use of the IPR Research & Evaluation Toolkit and other quality management and quality assurance systems (e.g. ISO standards); and constantly striving to improve the quality of business performance;
- Sharing information on good practice with members and, equally, referring perceived examples of poor practice to the Institute.

Interpreting the Code

In the interpretation of this code, the Laws of the Land shall apply.

Global Protocol on Public Relations

It was drafted in 2002. This Protocol of the Global Alliance of Public Relations Institutes was accepted in early 2003 by all the national institutes. They are to implement it and publicly adopt it by 2006.

Declaration of Principles

A profession is distinguished by certain characteristics or attributes, including:

- Mastery of a particular intellectual skill through education and training;
- Acceptance of duties to a broader society than merely one's clients/employers;
- Objectivity ;
- High standards of conduct and performance.

We base our professional principles therefore on the fundamental value and dignity of the individual. We believe in and support the free exercise of human rights, especially freedom of speech, freedom of assembly, and freedom of the media, which are essential to the practice of good public relations.

In serving the interest of clients and employers, we dedicate ourselves to the goals of better communication, understanding, and co-operation among diverse individuals, groups, and institutions of society. We also subscribe to and support equal opportunity of employment in the public relations profession and lifelong professional development.

We pledge:

- To conduct ourselves professionally, with integrity, truth, accuracy, fairness, and responsibility to our clients, our client publics, and to an informed society;
- To improve our individual competence and advance the knowledge and proficiency of the profession through continuing education and research and where available, through the pursuit of professional accreditation;
- To adhere to the principles of the Global Protocol on Ethics in Public Relations.

Protocol Standards

We believe it is the duty of every association and every member within that association that is party to the Global Protocol on Ethics in Public Relations to:

- Acknowledge that there is an obligation to protect and enhance the profession.
- Keep informed and educated about practices in the profession that ensure ethical conduct.

- Actively pursue personal professional development.
- Accurately define what public relations activities can and cannot accomplish.
- Counsel its individual members in proper ethical decision-making generally and on a case specific basis.
- Require that individual members observe the ethical recommendations and behavioural requirements of the Protocol.

We are committed to ethical practices, preservation of public trust, and the pursuit of communication excellence with powerful standards of performance, professionalism, and ethical conduct.

Advocacy

We will serve our client and employer interests by acting as responsible advocates and by providing a voice in the market place of ideas, facts, and viewpoints to aid informed public debate.

Honesty

We will adhere to the highest standards of accuracy and truth in advancing the interests of clients and employers.

Integrity

We will conduct our business with integrity and observe the principles and spirit of the Code in such a way that our own personal reputation and that of our employer and the public relations profession in general is protected.

Expertise

We will encourage members to acquire and responsibly use specialised knowledge and experience to build understanding and client/employer credibility. Furthermore we will actively promote and advance the profession through continued professional development, research, and education.

Loyalty

We will insist that members are faithful to those they represent, while honouring their obligations to serve the interests of society and support the right of free expression.

Advancing the Protocol

We believe it is the responsibility of each member association to draw upon its own member's experiences to expand the number of examples of good and bad practice so as to better inform members' ethical practices. Experiences should be broadly shared with other members within the association and with the Global Alliance so as to build up case histories that may assist in individual cases throughout the world.

In India

One does not find anything on public relations from Mahatma Gandhi, as the term was not in use then. In fact, in most of Gandhi's life propaganda was a good word. However, one finds that Public Relations Society of India did adopt an International Code of Ethics in 1968. Here it is:

International Code of Ethics for Public Relations as adopted by the Public Relations Society of India at the 1st All India Public Relations Conference, New Delhi, April 21, 1968.

CONSIDERING that all Member countries of the United Nations Organization have agreed to abide by its Charter which reaffirms "its faith in fundamental human rights, in the dignity and worth of the human person" and that having regard to the very nature of their profession, Public Relations practitioners in these countries should undertake to ascertain and observe the principles set out in this Chapter,

CONSIDERING that, apart from "rights", human beings have not only physical or material needs but also intellectual, moral and social needs, and that their rights are of real benefits to them only insofar as needs are essentially met.

CONSIDERING that, in the course of their professional duties and depending on how these duties are performed, Public Relations practitioners can substantially help to meet these intellectual, moral and social needs.

And lastly, CONSIDERING that the use of techniques enabling them to come simultaneously into contact with millions of people gives Public Relations practitioners a power that has to be restrained by the observance of a strict moral code.

On all these grounds the Public Relations Society of India hereby declares that it accepts, as its moral charter, the principles of the following Code of Ethics, and that if, in the light of evidence submitted to the Society, a member of this Society should be found to have infringed this Code in the course of his professional duties, he will be deemed to be guilty of serious misconduct calling for an appropriate penalty.

Accordingly, each Member of this Society -

Shall Endeavour

1. To contribute to the achievement of the moral and cultural conditions enabling human beings to reach their full stature and enjoy the indefeasible rights to which they are entitled under "Universal Declaration of Human Rights";
2. To establish communication patterns and channels which, by fostering the free flow of essential information, will make each member of the group feel that he is being kept informed, and also give him an awareness of his own personal involvement and responsibility and of his solidarity with other members;
3. To conduct himself always and in all circumstances in such a manner as to deserve and secure the confidence of those with whom he comes into contact;
4. To bear in mind that because of the relationship between his profession and the public, his conduct - even in private - will have an impact on the way in which the profession as a whole is appraised.

Shall Undertake

5. To observe, in the course of his professional duties, the moral principles and rules of the "Universal Declaration of Human Rights";
6. To pay due regard to, and uphold, human dignity, and to recognize the right of each individual to judge for himself;
7. To establish the moral, psychological and intellectual conditions for dialogue in its true sense, and to recognize the right of the parties involved to state their case and express their views;

8. To act, in all circumstances in such a manner as to take account of the respective interests of the parties involved: both the interests of the organization which he serves and the interests of the publics concerned;
9. To carry out his undertakings and commitments which shall always be so worded as to avoid any misunderstanding, and to show loyalty and integrity in all circumstances so as to keep the confidence of his clients or employees, past or present and of all the publics that are affected by his actions.

Shall Refrain from

10. Subordinating the truth to other requirements;
11. Circulating information which is not based on established and ascertainable facts;
12. Taking part in any venture or undertaking which is unethical or dishonest or capable of impairing human dignity and integrity;
13. Using any "manipulative" methods or techniques designed to create subconscious motivations which the individual cannot control of his own free will and so cannot be held accountable for the action taken on them.

Ethical Dilemmas

All this does not mean that there are no ethical dilemmas in PR. Senior PR professions have been talking about ethical issues in the changing environment. Richard E.Cheney, Former Chairman Emeritus. Hill and Knowlton, Inc., says, " In recent years, PR, in my estimation, has changed. As PR firms have been acquired by ad agencies and by hard boiled conglomerates who want to know how much money you made last month, there has been increasing pressure on men and women in PR to sell themselves and their services."[11] It appears now that it is common for a client to call and say, "We're looking for a PR firm and we'd like to hear a presentation from you as to why we should hire you?" Not uncommonly, the PR firm studies the potential client and then cranks up what is aptly and commonly called a beauty contest entry with slides, music and whatever and attempts to win the potential client's favor. Or a potential client may call a specific firm and a pressured chief executive may, after a limited consultation, ask for a quick fix for what seems to be an urgent problem. And a PR executive, who may have recently emerged, say, from inside the beltway, may suggest ways he can put "spin" on his story so his new client won't be condemned by the public for what was essentially egregious behavior. While this is not new — some spin doctor reputedly told J.P. Morgan during the depression to have a midget sit on his lap at a congressional hearing — the infatuation with "spin" and black magic seems to have supplanted the notion the PR is doing good and getting credit for it.

David Finn, Chief executive of Ruder Finn Rotman, another public relations firm based in New York says, "There are times when I believe public relations people should draw the line and refuse to represent a point of view they personally oppose or find reprehensible."[12] He points out that it was an easy ethical decision for his firm to give up Greek Tourism account when military took over the country, but points out several other borderline cases:

- The safe limits of dioxin in effluent from industrial processes have long been a subject of dispute. Industry leaders have been convinced that scientists supported a lower limit than that requested by environmentalists. Government authorities have not been so sure. They recognize that it would cost tens of millions of dollars for industry to meet the higher standards that were proposed, but they also worry that lower minimum levels might lead to deaths in the surrounding area. We represented the corporate point of view. Were we right?
- Acid rain falling in the northeast of the U.S. is thought by most environmentalists to be caused primarily by coal-burning plants in the Midwest. Modifications in those plants to meet new standards would be extraordinarily costly - - and these costs would be passed on to the consumer. A coalition of industries urged Congress not to take action until further study could be made - - which might take years. Opponents said that this was merely a stalling tactic on the part of industry. We represented industry's point of view. Were we right?
- Textile manufacturers and cotton growers believe that all necessary measures had been taken to eliminate the dangers

of lung disease from cotton dust in the production process. Investigators who have studied current conditions disagree. "60 Minutes" among others challenged the cotton growers' and textile manufacturers' position. We represented the companies and the farmers. Were we right?

- A major real estate development that would bring an economic boom to a declining community was opposed by environmentalists. The developer brought to public attention extensive research supporting his position; the opposition offered data to contradict the claim. The struggle went on for years. The developer was convinced that an environmentally responsible development could be built that would protect Nature and revive the community economically. Opponents were convinced it would be an ecological disaster. We represented the developer. Were we right?

"The trouble too often is that one's opinion is so slippery that we can all too easily be swayed by the position of the client who retains us. This is not only a question of money and that old saw 'He whose bread I eat his song I sing'. It is because public relations people are so well trained to see different sides of a story that it is often hard for us to decide where we stand ourselves", says Finn.

David R. Drobis, Senior Partner/ Chairman, Ketchum asks, "Why are we always complaining about our profession? Why is there so much dissension about what we do and what we call it? Why are we always splitting hairs? Aren't we letting this get out of hand in our continuous effort at self-analysis, introspection and, perhaps even, a little self-absorption? Where have we been in the last twelve months of business turmoil as the lawyers, particularly, have taken over creating debacles out of Arthur Andersen, Enron, Martha Stewart, WorldCom? Why haven't we worked to find a united voice to talk to the public and, frankly, help build public confidence? Isn't it time we take some responsibility here? We have an important role to play here. Because more than anyone in business today - we have a total view of an organization - all of its publics and how they interact. And we are trained to understand the simple fact that integrity is ultimately more important than quarterly financial performance."[13]

Chester Burger, Public Relations Counselor is disgusted, “I can’t find appropriate language to characterize some of the happenings in Washington or Wall Street today. The public disgust is spilling over onto every aspect of our national life and discourse. It is eroding public trust in all the institutions of our society. The daily news report is shaping public disgust and cynicism much faster than public relations professionals can build trust in the honor and the integrity of our institutions, public and private. Our big problem today isn’t getting noticed; it’s getting believed and trusted. The best public relations campaign in the world can’t build trust while reality is destroying it. Reality limits what public relations can accomplish.”[14]

He goes on to say, “So the lesson for us is to remember that just because we, or our clients or employers, have the right to do something doesn’t say it is right to do it. If we have anything to contribute to those whose bread we eat, isn’t it our judgment, our integrity, our honesty, our ability to do the right as we see the right? Isn’t that the real future of public relations, and not our cleverness, our expediency, our skill at creating the 30-second sound bite, our skill at making a sick situation look healthy? In the long run, isn’t that the only enduring way to save our jobs, our profession, and our honor?”

Notes and References

[1] Dr Rex F. Harlow, public relations scholar and professional leader, undertook the task of collecting such definitions published since 1900, breaking them into major elements, and classifying the basic, central ideas these definitions included. From his analysis of 472 definitions, he produced a working definition that is both conceptual and operational. “ Public relations is a distinctive management function which helps establish and maintain mutual lines of communication, understanding, acceptance and cooperation between an organization and its publics; involves the management of problems or issues; helps management to keep informed on and responsive to public opinion; defines and emphasizes the responsibility of the management to serve the public interest; helps management keep abreast of effectively utilize change serving as an early warning system to help anticipate trends; and uses research and sound and ethical communication as its principal tools.” (Rex F. Harlow, ‘Building a Public Relations Definition’ Public Relations Review 2 (Winter 1978) p36.)

[2] Cutlip, S. M., Center , A.H., and Broom, G.M. (1985) *Effective Public Relations* (6th Edition) Prentice-Hall International, Inc. New Jersey, p. 1.

[3] Mundy, Alicia (1992) Is the Press Any Match for Powerhouse PR *Columbia Journalism Review*, September/October 1992

[4] *Public Relations Journal*, June 1995, p. 4

[5] The information given here is drawn from the website as well as from e-mail. I am particularly thankful to the society for a quick response.

[6] As per CV on corporate web page.

[7] Information is from website of the society as on November 2001.

[8] As it claims.

[9] Information as on the web page in October 2001.

[10] Section B of the code deals with regulations governing complaints relating to professional conduct and is therefore not so relevant here.

[11] Cheney, Richard E (1996) Is There a lesson Here for Public Relations, IPR Lecture, 9 October 1996

[12] Finn, David (1995) Ethical Dilemmas in Communications, IPR Lecture, 7 November 1995

[13] Drobis, David R (2002) The Ostrich and the Giraffe Is It Time to Stick Our Necks Out? 41st Annual Distinguished Lecture, 7 November 2002

[14] Burger, Chester (1998) A Discussion of Truth and Credibility in an Era of Disbelief 37th Annual Distinguished Lecture, 2 December 1998

Advertising

Advertising is target of criticism from different points of views. It is accused of encouraging materialism and consumption, of stereotyping, of causing us to purchase items for which we have no need, of taking advantage of children, of manipulating people's behavior, using sex to sell, and generally contributing to the downfall of our social system.

Gandhi's famous autobiography is called "Story of My Experiments with the Truth". This spirit of experiment is found in his experiences with media. His first newspaper, *Indian Opinion* was started in South Africa on 04 June 1903 with Mansukhlal Nazar as editor[1]. The first issue carried an unsigned editorial, "Ourselves" written by Gandhi[2] which outlined the policy. Towards the end it said, "To European and Indians alike it would serve as the best advertising medium in those branches of trade in which Indians are especially concerned."

Within a decade he thought with experience that it was wrong to take advertising. Gandhi wrote in *Indian Opinion* (14-9-1912):

"We gave up job-work many years ago. We now feel that we should also discontinue the practice of publishing advertisements. We believed then that advertisements were a good thing to have, but on reflection we see that the practice is wholly undesirable. Advertisements are inserted by people who are impatient to get rich, in order that they may gain over their rivals. They are so much in fashion these days that any and every kind of advertisement is published and paid for. This is one of the sorriest features of modern civilization, and for our part we wish to be rid of it...We have also come to the conclusion that, consistent with our ideals, we could not accept advertisements for paying our way. We believe that the system of advertisement is bad in itself, in that it sets up insidious competition, to which we are opposed."[3]

In his book *Satyagraha in South Africa* [4] Gandhi describes this evolution more clearly. "In the beginning we used to accept advertisement for it and also execute job work in the printing press. I observed that some of our best men had to be spared for this kind of work. If we receive advertisement for publication, there was constant difficulty in deciding which to accept and which to refuse. Again one would be inclined to refuse an objectionable advertisement, and yet be constrained to accept it, say because the advertiser was a leading member of the community and might take it ill if his advertisement was rejected. Some of the good workers had to be set apart for canvassing and realizing outstandings from advertisers, not to speak of flattery which advertisers claimed as their due."

Gandhi, in fact, had returned advertisements for which he had accepted money. In his letter to Chhaganlal Gandhi dated 29 January 1907 Gandhi wrote, "I am returning Sheth Haji Habib's advertisement about the mosque. I have written to him...A credit note for the amount has been sent to him." [5]

Even after his return to India, Gandhi kept his interest in the South African publication. In a letter to A.H.West dated July 17, 1919 Gandhi recalled,

"Recently I wrote to Manilal about *Indian Opinion*. He asked me to supply him with funds or let him revert to advertisements and business printing. I still retain the view I held there and the more I see the jobbery that goes on here, the indiscriminate manner in which advertisements are taken and the more I think how these advertisements etc. are nothing but insidious method of indirect voluntary taxation, how all this debases journalism and how it makes of it largely a business concern, I feel more and more convinced of the rightness of my view."[6]

When he came back to India and started to play his part in freedom struggle *Navajivan* and *Young India* were propagating his views and in 1933 this role was taken over by *Harijan*. Gandhi did not go for commercial advertising even in these papers. Addressing his readers in *Navajivan* on March 7, 1920 he wrote, "At the time the *Navajivan* was converted into a weekly and I took over its editorship (September 7, 1919), I had mentally decided upon certain conditions. Some of those which the reader knows I recall here: 1. Not to accept advertisement for money in *Navajivan.* 2. Not to publish *Navajivan* at a loss."[7] In a similar mood he wrote in *Young India* on May 15, 1924, "It is a bad policy to print a cheap newspaper by making profits from other works. I want the readers to be just as much interested in the upkeep of the papers as the manager and the editor are." [8]

About *Navajivan*, K.M.Munshi[9] wrote in his book Gandhi the Master: "Few other newspapers in the world have had a similar popularity and influence in their area of circulation as this small, unostentatious sheet which never screamed a headline and never published an advertisement...A single copy of this weekly has often brought to a distant hamlet its only journal and gospel of life."[10]

Gandhi was against publishing advertisements that go against the editorial content. He wrote in *Young India* on January 9, 1930: "It is a matter of sorrow that in a country like India, where drink is almost universally admitted to be vice, there are respectable newspapers enough to be found to take advertisements for the sale of spirituous liquor whilst their editorial column favour total prohibition." [11]

Gandhi had made it a habit to appeal to the subscribers and readers of his papers like the following in *Young India* of October 8, 1919:I will not be party to editing a newspaper that does not pay its way. *Young India* cannot pay its way unless it has at least 2500 paying subscribers. I must appeal to my Tamil friends to see to it that the requisite number of subscribers are found, if they wish to see *Young India* continued. The more so now because the proprietors of *Young India* have decided to give up all advertisements. I know that they have not been entirely, if at all, converted to my view that a newspaper ought to be conducted without advertisements. But they are willing to let me make the experiment. I invite those who wish to see *Young India* free from the curse of advertisements to help me make the venture a success. The Gujarati *Navajivan* has already demonstrated the possibility of conducting a newspaper without advertisements soiling its pages.[12]

Content of Advertisements

In *Young India* on March 25, 1926 Gandhi had talked about content of advertisements, "I hold that it is wrong to conduct newspapers by the aid of immoral advertisements. I do believe that if advertisements should be taken at all, there should be a rigid censorship instituted by newspaper proprietors and editors themselves and that only healthy advertisement should be taken... The evil of immoral advertisements is overtaking even what are known as the most respectable newspapers and magazines. That evil has to be combated by refining the conscience of the newspaper proprietors and editors. That refinement can come, not through the influence of an amateur editor like myself but it will come when their own conscience is roused to the recognition of the growing evil or when it is super-imposed upon them by a Government representing the people and caring for the people's morals." [13]

Gandhi also commented on the content of advertising. When an advertisement for tea linked the number of cups of tea per day with youthful looks Gandhi wrote in *Harijan* on August 24, 1935, "My plea is for due regard for truth in advertising. It is a habit with people, especially in India, to treat the printed word in a book or a newspaper as gospel truth. There is need therefore for extreme caution in drawing up advertisement."[14]

Princess Amrit Kaur sent Gandhi a cutting from a well-known magazine containing the advertisement of an obscene book and requested him to write about the responsibility of newspapers and journals in this respect. Gandhi wrote in *Harijan* of November 14, 1936:

From the advertisement I do not propose to reproduce any portion except to tell the reader that it describes as obscenely as it can the suggestive contents of the book advertised. Its title is Sexual Beauty of the Female Form and the advertising firm tells the reader that it will give away free to the buyer two more books called New Knowledge for the Bride and the Sexual Embrace or How to Please Your Partner.

I fear that in relying on me in any way to affect the course of the advertisers of such books or to move the editors or publishers of the objectionable books or advertisements of them will be of any use.

But what I would like to tell the writer of the letter and other learned sisters like her is to come out in open and to do the work that is peculiarly and specially theirs. Very often a bad name is given to a person and he or she in the course of time begins to believe in the badness. To call a woman a member of 'the weaker sex' is a libel. In what way is woman the weaker sex I do not know. If the implication is that she lacks the brute instinct of man or does not possess in the same measure as man, the charge may be admitted. But then woman becomes as she is, 'the nobler sex'..

If these advertisements and literature offend them, they must wage a relentless war against them and they will stop them in a moment...This wretched advertisement is merely a straw showing which way the wind is blowing. It is a shameless exploitation of women.[15]

Some one who read the above in *Harijan* suggested to Gandhi that he could prevent obscene advertisements by exposing the name of the papers and magazines which advertise such shameless things. Referring to this letter Gandhi wrote in *Harijan* on January 2, 1937, "I cannot undertake the censorship my correspondent advises; but I can suggest a better way. If public conscience is alive subscribers can write to their respective papers, if they contain objectionable advertisements, drawing their attention to them and stopping their subscriptions, if the offense is not cured."[16]

Responding to somebody who pointed out to him objectionable advertising in respected journals, Gandhi wrote in *Harijan* of 27 July 1935, "The proprietors of such newspapers probably don't know that their sheets contain indecent advertisements. Perhaps even they have not read them. Let me hope that the editors and the managers of newspapers will study their advertisements and remove those that are without doubt objectionable. I trust, too, that journalists associations in the provinces will take up the matter and persuade proprietors to exercise restraint in the matter of admitting advertisements. It is not too much to expect them to remove all such as are likely to corrupt public morals or offend sense of decency."[17]

Thus Gandhi looks quite contemporary as most of the issues that he has raised about advertising are still relevant and are part of legal or self- regulation.

Traditionally, walls have been fairly high between the advertising and editorial staffs. Editors edited and advertisers advertised. But that is changing .The advertiser now wants to have some say about what goes into the non-advertising part. We see more magazines filled with more ersatz journalism, more blurry advertising. *Harper's Magazine* publisher John B, MacArthur said, "Advertisers are supposed to extract all the value from you that they can. Publishers are supposed to draw the line."[18] However, in 1990, a US company prepared a national advertising campaign for its anti-tobacco products. *Time, Newsweek, Life, US, Sports Illustrated* and many other magazines refused to carry the ads. It was made clear to the firm that those publications wished to avoid causing any displeasure to heavy advertisers like cigarette makers.

Rule 4 of the Guidelines for special advertising sections promulgated by the American Society of Magazine Editors states that, "Editors and other editorial staff should not prepare advertising section for their own publications. Advertorials are designed to give ads an aura of editorial credibility and ASME tries to keep them within certain bounds.

Adverting Age, a publication serving the ad industry says, "The trick for marketers is to project the right message in their advertisements to motivate often motionless consumers to march down to the store or bar and exchange their money for a sip of image."

"Absolute Magic" proclaims a print ad for a popular Vodka; "Paradise Found" headlines another, "Fairy tales come true", says a third. All these ads illustrate the major premise of alcohol advertising's mythology. Alcohol is magic, a magic carpet that can take you away. It can make you successful, sophisticated and sexy. Without it your life would be dull, mediocre and ordinary. Alcohol is related to parties, good times, celebrations and fun, but it is also related to murder, suicide, unemployment and child abuse. These connections are never made in ads.[19]

A commercially-dominated media system is unable to pose hard questions for fear of alienating advertisers. Those same advertisers are connecting powerful images of a deeply desired social life with commodities, thereby creating the cruel illusion that one is possible by purchase of the other. The stakes are too high for us to be bogged down in the prevailing nonsense about the marketplace of ideas and advertising as a form of information. It is time to put aside such ideologically inspired idiocy and deal with the real and pressing problems that face us as a species.[20]

Advertisers have been blamed for many media distortions. It is supposed to be most effective on television and therefore it can be blamed for compelling networks to give more time to entertainment and thus pushing the educational or developmental purpose of the medium to the background.

The codes of conduct for different media disccussed in earlier chapters have provisions on advertising. These are put together by advertising industry associations as their own codes. Association encourage their members to self-regulate with slogans like — "If we do not regulate ourselves, somebody else will."

There is also an international aspect to the advertising problem as has been pointed out by the MacBride Commission in 1980. The control of advertising is vested to a considerable extent in a few big agencies, of which four (three American and one Japanese) engage in expenditure of more than one billion dollars a year each. These agencies are transnational corporations that produce advertising either directly or through subsidiaries for mass media in many countries throughout the world. In this situation local codes of advertising conduct become more difficult to enforce. Therefore, advertising is seen by many as a threat to the cultural identity and self-realization of many developing countries as it may bring to people alien ethical values; it may deviate consumer demands in developing countries to areas which can inhibit development priorities; it may affect and can often deform ways of life-styles with globalization and emergences of groups like Omnicom, Interpublic and WPP concentration and internationalization of advertising has further increased over the years since Macbride report.

Advertising is recognized by the US courts as a form of "commercial speech." Commercial speech has been defined by the Court as speech "which does no more than propose a commercial transaction." Although the courts never have recognized it as being as valuable as some other forms of speech, commercial speech is protected by the First Amendment.

This means that many of the criticisms aimed at advertising are not regulable by government. However, the Supreme Court, in *Central Hudson Gas & Electric v. Public Service Commission*, declared that commercial speech can be regulated if:

- It is misleading or concerns an illegal product, OR if
- There is a substantial government interest, AND
- The regulation directly advances that government interest, AND

The regulation is narrowly tailored to that interest.

Commercial speech is not political speech, and cannot claim the same historical or philosophic purposes; but it is speech. Its censorship has political as well as economic costs. The survival of the commercial speech doctrine, as one of limited, or diluted, protection, is thus an experiment with one of our most important liberties.[21]

The American Association of Advertising Agencies[22] is the national trade association of the advertising agency business in the US. Founded in 1917, with 1,245 member agency offices, it serves in the U.S. employ 65,000 people, offer a wide range of marketing communications services, and place 75 per cent of all national advertising. The management-oriented association helps its members build their businesses, and acts as the industry's spokesman with government, media, and the public sector. It also has an elaborate code.

The International Advertising Association was founded in 1938 to champion responsible marketing communications. It claims that over time, it has become the advocate for consumer and advertiser free choice. It has a Declaration on Self Regulation and Privacy which says on the principles of Self-Regulation and Privacy, that the IAA:

- endorses meaningful and effective self-regulation, consistent with the Codes of the International Chamber of Commerce (ICC) and within a reasonable statutory framework,
- calls on the marketing communications industry to strengthen its support of the principles and practices of self-regulation,

both in practice and in providing the necessary financial resources,

- applauds every effort made to improve the efficiency of self-regulatory systems and their promotion to governments, authorities and consumers notes that special attention must be paid to advertising and children and to children as consumers,
- strongly believes in the importance of enforcement, is convinced that self-regulation must also apply to all the issues of privacy, affirms that country of origin must continue to be the governing principle urges the appointment of Chief Privacy Officers in organizations throughout the business world.

The World Federation of Advertisers is a unique, worldwide network, owing to its dual membership - nearly 50 National Advertisers Associations and around 30 Corporate Members - comprising several thousand businesses operating in a wide spectrum of sectors at national, regional and global levels. Through its members, the WFA covers around 85 percent of global advertising expenditure.

This unique network enables the WFA to monitor the major advertising markets and trends in commercial communications. The WFA is thus in a position to alert its members to changes and potential threats.

Members of the WFA use all manner of advertising and marketing techniques: within media - television, radio, press, cinema, internet and posters; and beyond - direct marketing, sponsorship, sales promotion, public relations, and other events.

The European Rules

Advertising is strictly regulated across Europe. Articles 10-16 of the Television Without Frontiers Directive set out these rules for all Member States. Article 16 is dedicated to advertising to minors:

Article 16

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

a. it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
b. it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
c. it shall not exploit the special trust minors place in parents, teachers or other persons;
d. it shall not unreasonably show minors in dangerous situations.

Self-Regulation and Codes

Responsible advertising to children is underpinned not only by regulatory measures (TV Directive and the Member States laws implementing the Directive), but also by self-regulatory systems and the International Chamber of Commerce [ICC] codes.

The ICC codes include specific provisions on advertising to children. National self-regulatory codes, based on the ICC codes, are established, policed and enforced by local self-regulatory organisations and industry in over 100 countries. The ICC and national codes are reviewed regularly to ensure that they remain relevant to local, cultural and consumer concerns and that they promote best practice.

In Europe, the European Advertising Standards Alliance (EASA) is a non-profit organisation based in Brussels and is the voice of the advertising industry in Europe on advertising self-regulation. It acts as the European coordination point for advertising self-regulatory bodies and systems across Europe. EASA brings together 28 SROs (24 from 22 European countries as well as SROs in Canada, South Africa, New Zealand and the US) and 12 organisations representing the advertising industry (advertisers, agencies and the media) in Europe. It is supported by industry and works in two ways. First it works to ensure that the independent self-regulatory bodies and the advertisers, agencies and media all work together to ensure the high standards expected of the industry and to run an effective system of cross border complaint resolution. Secondly, it is developing and extending the implementation of best practices and codes to meet citizen's expectations of a responsible industry.

The value of self-regulation as an alternative to statutory control is recognised in EC Directives, including those on misleading and comparative advertising (Directives 84/450 and 97/55 EC). Self-regulation is also accepted by the government departments of trade and industry as a first line of control in protecting consumers.

The 3rd edition of the EASA's comprehensive analysis of advertising self-regulatory systems and their codes of advertising practice in 22 European countries, *Advertising Self-Regulation in Europe* or "Blue Book", was released in February 2001. The EASA adopted on June 13 2002 the Common Principles which apply to the activities of EASA members with regard to self-regulation by laying down a common approach throughout the Alliance network with regard to best practice in the execution of self-regulation:

1. Advertising self-regulation is the response of the advertising industry to the challenge of dealing with issues affecting commercial communications through co-operation rather than detailed legislation. Through advertising self-regulation, the industry demonstrates its ability to regulate itself responsibly, by actively promoting the highest ethical standards in commercial communications and safeguarding consumers' interests. National self-regulatory bodies (SROs), actively supported by the constituent parts of the industry, are responsible for administrating their respective self-regulatory systems and applying national codes of advertising practice –based on those of the International Chamber of Commerce (ICC) – in such a way that advertisements which fail to meet those standards are quickly corrected or removed.
2. The European Advertising Standards Alliance (EASA) is the single voice of the advertising industry in Europe on advertising self-regulation. It acts as the European coordination point for advertising self-regulatory bodies and systems across Europe. All of these systems contain two essential elements: a set of rules (codes) and a procedure to handle complaints submitted about specific advertisements.
3. EASA was set up in 1992 to support and promote self-regulation, coordinate the handling of cross-border complaints and to provide information and research on self-regulation
4. The purposes of the EASA include:

> … to encourage best practice and common high standards in advertising self-regulation … to stimulate improvements where necessary of national self-regulatory systems…to work to establish common principles of best practice and towards greater convergence of the key principles…

5. To help meet these objectives, the members of EASA have agreed a statement of common principles and recommended best operating practice for use by national SROs which are designed to guide all participants in the self-regulatory process in their work. This statement applies to the self-regulation of both on and off-line advertising.
6. The codes are drawn up by the advertising business including advertisers, agencies and media. The codes are applied and the systems managed nationally by independent self-regulatory bodies.
7. Self-regulation provides an essential complement to national legislation governing advertising. It has a crucial role in maximising consumer confidence in advertising.
   Self-regulation is proven to be the best method of responding quickly, efficiently, and effectively to consumers' concerns about advertising.
8. It also plays an important part in educating the advertising business and preventing breaches of the codes. This set of principles and practices, and the advice that they offer, draws on the experience of self-regulation over more than 65 years. As has been the case during this time we expect that the principles and practices will evolve as society evolves. There will thus be a regular review of these in order to assess their suitability.
9. In this paper the **common principles** are the core values that should underpin every self-regulatory system in membership of the EASA. The **operating best practices** are the recommended standards, which all national systems should seek to achieve. The continued acceptance of self-regulation by European consumers and government at both national and EU levels will be made more certain by the visible presence of the common principles and the standards

of best practice in all national self-regulation systems. The EASA will ensure that these are maintained throughout its membership.

The Common Principles of Self-regulation

10. Successful self-regulation depends upon the application of a set of principles that underpin the process and are common to all systems. These common principles set out to maximise the benefits of self-regulation to consumers.

11. The consumer benefits

11.1 The purpose of a self-regulatory system is to maintain consumer confidence in advertising by offering a rapid and effective response to consumer concerns. It facilitates consumer protection by providing a route for the individual consumer to express a view directly to the advertising business and the advertiser. It enables brands to compete on a level playing field to the benefit of the consumer. In all this, the advertising business will also be seen to be actively, continuously, and responsibly engaged with the consumer.

11.2 Self-regulatory systems should, above all, ensure that the individual consumer is the focus of attention.

12. Independence

12.1. Self-regulation must be and be seen to be impartial.

12.2. Operation and outcome/decisions of the self-regulatory systems should be made independently of government, specific interests and interest groups.

13. Transparency and accessibility

13.1. Access to the complaints process should be easy and at no cost to the consumer.

13.2. The right of a consumer to access the self-regulatory system and the means of doing so should be well known.

13.3. The workings and outcome/decisions of a self-regulatory system should be transparent to all parties.

14. Effectiveness

14.1. Notwithstanding the national legislative framework, self-regulation must be and seen to be effective, in both its operation and outcome

14.2. Self-regulation must be rapid, flexible, current and applied in a non-bureaucratic manner.

14.3. Self-regulatory rules and procedures should be applied in both the spirit and the letter, and regularly reviewed.

15. Efficient Complaint Handling and Enforcement

15.1. A self-regulatory system should have a means to handle consumer complaints, which should be handled free of charge.

15.2. A self-regulatory system must have adequate and credible sanctions to support its decisions.

15.3 A self-regulatory system should have the power to enforce effectively its decisions, i.e. sufficient moral and practical support from the constituent parts of the advertising industry.

16. Self-regulation and the Law

Self-regulation must always be in compliance with the law, and no part of the self-regulatory process should deprive a consumer of the protection provided by the law.

17. Cooperation

Self-regulatory systems and bodies in membership of the EASA have a duty to co-operate with each other in order to handle complaints effectively and converge on best practice.

18. Resources

18.1. Self-regulatory systems must be sufficiently resourced and supported to be able to meet their objectives.

18.2. Industry members should ensure adequate moral and financial support for advertising self-regulation and its implementing organisations.

Recommended standards for operation of best practice in self-regulation

19. Self-regulation is the system by which the advertising industry actively polices itself. The self-regulatory organisations (SROs) in membership of EASA undertake to uphold the recommended standards of best practice listed below in the operation of their self-regulatory systems and their handling of cross-border complaints.
20. SROs set out to maintain these quality standards in their operations for the benefit of consumers and to promote industry best practice. The standards meet the aims set out in EASA's Articles of Association, in particular "...to encourage best practice and common high standards in advertising self-regulation including monitoring, complaints handling and compliance..." We believe that in this way advertising self-regulation will continue to provide enforcement that is efficient, effective and evaluated.

21. Constitution & membership

The constitution and membership of all SROs should be published and regularly reviewed.

22. Terms of reference for Self-Regulatory Organisations (SROs)

These will include:

22.1 Responsibility for the development and implementation of codes that will help maintain and sustain consumer trust and confidence in advertising standards by providing an efficient means of meeting consumer concerns and delivering consumer protection.

22.2 Practical responsibility for regulating advertising standards, including the power to enforce their decisions with the moral and practical support of the advertising business.

22.3 The promotion of advertising self-regulation and the demonstration that it is more effective than detailed legislation as a means of regulating advertising and of protecting the consumer.

23. Funding and other resources

Sufficient support from the constituent parts of the advertising industry (or, in the case of sectoral bodies from the sector for which they are responsible) should be made available to ensure effectiveness and credibility.

24. Codes, their development and review

24.1 Self-regulatory codes are based on the following basic principles, enshrined in the general Code of Advertising Practice of the International Chamber of Commerce (ICC): "the content of advertising should be legal, decent, honest and truthful with a due sense of social responsibility and respect for the rules of fair competition."

24.2 All codes must be applied both in the spirit and to the letter.

24.3 Codes should reflect national culture, law, and commercial practices, within the spirit of mutual recognition.

24.4 SROs should ensure that self-regulatory principles for advertising content are applied to new areas of advertising and commercial communications.

24.5 Self-regulatory rules and procedures should be regularly reviewed in the light of regulatory, social and technological developments, including consumer attitudes to advertising.

25. Operation of the self-regulatory system

25.1 Independence. Decisions taken by SROs and self-regulatory systems should be reached in an independent and impartial manner and this should be reflected in the manner in which the complaints are handled.

25.2 Transparency

25.2.1 The codes, standards and rules that SROs apply and the procedures by which they operate and by which complaints are handled, should be published (print/website) and made available to all interested parties.

25.2.2 It should be easy for consumers and advertisers to know what evidence to provide.

25.2.3 The complainant should be notified of the receipt of the complaint and, at the end of the process, of its outcome.

25.3 Adversarial principle. Those subject to complaint should be invited to comment on the complaint and to provide evidence in support of the claims made.

25.4 Effectiveness

25.4.1 All complaints, whether consumer or intra-industry, should be handled rapidly and efficiently; Self-regulatory rules and systems should be regularly reviewed to ensure that they remain appropriate and effective.

25.4.2 A flexible, non-bureaucratic, approach should be adopted, in particular with regard to the interpretation of rules and complaint handling.

25.4.3 There should be rapid identification of the nature of the complaint and the appropriate jurisdiction in terms of origin, particularly in cases of fraud or sharp practice.

25.4.4 There should be a suitable appeal or review procedure.

25.5 Liberty and representation. Legal representation does not form part of the self-regulatory system, but parties should be entitled to representation by third parties should they wish.

25.6 Self-regulation and the Law

25.6.1 No procedure or decision in the self-regulatory process should deprive a consumer of the protection provided by the law.

25.6.2 Decisions and the reasons for them should be communicated promptly to the parties involved.

25.7 Enforcement

25.7.1 Sanctions must be effective and designed to prevent repeat offences. They should include publication of breaches of the codes, the moral and practical support of member and supporting organisations, and the acceptance by all practitioners of their application.

25.7.2 An important sanction for breaches of the codes should be that a description of the activities of SROs, including information on the number and nature of decisions taken, should be published on a regular basis to both consumer and industry practitioners.

26. Consultation with stakeholders

26.1 SROs should ensure that all advertising practitioners are aware of the national self-regulation system, its rules and its procedures

26.2 SROs should regularly promote the system to consumers, other relevant organisations, politicians and regulators

26.3 SROs should ensure that in the development of codes the relevant views of all stakeholders are taken into account

26.4 SROs should ensure the provision of education and training programmes, as well as the provision of advice in order to avoid breaches of the codes.

27. Effective cross-border consumer protection and co-ordination

27.1 The EASA Secretariat is responsible for the co-ordination of the cross-border complaints system and liaison with appropriate bodies at an EU level to ensure the swift resolution of complaints. Regular reports on the handling of complaints are published in its newsletter and on its website.

27.2 SROs should adhere to the procedures of EASA's cross-border complaints system when handling complaints about advertising carried in the media of another member-country.

27.3 SROs should apply the country-of-origin principle, as established in the EASA cross-border complaints procedure (That is, the country of origin of the media carrying the advertisement –where applicable– and the country of origin of the advertiser for cases such as direct marketing, Internet/new media, etc.), to identify the competent SRO.

27.4 SROs should transfer cases promptly and co-operate in their resolution.

27.5 SROs should notify each other and the EASA Secretariat of the receipt, progress and outcome of a cross-border case.

27.6 SROs should keep cases confidential within the EASA network and not reveal them to third parties, except to the extent necessary to resolve them, until they are ready to be published or transferred to the appropriate authorities.

28. Promotion and Best Practice

28.1 EASA members should work towards the convergence of self-regulatory systems, their administration and procedures, based on identified best practice.

28.2 EASA members should assist EASA to strengthen existing self-regulatory systems where appropriate and to encourage the creation of self-regulatory systems where they do not exist.

Here is the situation in some European countries in brief according to this publication:

Austria

Advertising is subject to extensive legislative regulation, including prohibitions on the use of unsolicited e-mail, fax and telephone calls for direct marketing purposes. Misleading advertising falls under the provisions of unfair competition law and the majority of complaints concerning misleadingness are dealt with in the courts. Consequently the SRO, set up in 1974 and restructured as an independent body in 1996, is primarily responsible for handling issues involving taste and decency.

Belgium

Because of Belgium's federal structure, legislative regulation of advertising manifests itself at both national and community level. Restrictions on television advertising go beyond the provisions of the EU Broadcasting Directive and include, in the case of the Flemish Community, a ban on advertising in children's programming. Self-regulation has existed since 1967 and the present SRO since 1974. An unusual feature of the self-regulatory system is that copy advice is binding.

Czech Republic

The Czech Republic was one of the first new democracies of Central Europe to establish a self-regulatory system, in 1994. It is modelled on the system for non-broadcast advertising in the UK. Only the ethical aspects of broadcast advertising fall within the remit of self-regulation, other aspects being subject to statutory controls.

Denmark

Like other Nordic countries, advertising in Denmark is subject to legislative regulation in the form of the Market Court. Recently negotiated agreements between Government and broadcasters severely restrict television advertising to children. Consumer complaints are handled by a public official, the Ombudsman, and self-regulatory activities are limited to handling competitor complaints and the limited provision of copy advice.

Finland

Like other Nordic countries, advertising in Finland is subject to legislative regulation in the form of the Market Court. Complaints from consumers are handled by a public official, the Ombudsman, and self-regulatory activities are limited to handling competitor complaints and those submitted by consumer organisations, and to the provision of copy advice for advertising in media other than television.

France

Extensive legislation governs advertising, including bans on various categories, notably on television. The activities of the SRO, one of the oldest-established in Europe, place great emphasis on the provision, by its legal department, of copy advice to ensure compliance with legislation and its codes. By the industry's decision, television advertising is subject to compulsory pre-clearance by the SRO.

Germany

Advertising is subject to extensive legislative regulation. The German self-regulatory system is characterised by having two SROs, one of which is concerned exclusively with issues of taste and decency, while the other deals with issues of misleadingness by the application of unfair competition law.

Greece

Advertising is subject to legislative regulation, including a restriction on TV toy advertising from 7.00 to 22.00 hours. A widely respected self-regulatory system is in place and at present caters for the resolution of industry disputes as well as consumer complaints. *The agencies association, EDEE* and the advertisers' association, SDE, are currently in the process of setting up an independent SRO.

Hungary

The Advertising Law, passed in 1997, recognises the role of self-regulation. More recently introduced framework legislation affecting advertising is inspired by EU Directives. Self-regulation in Hungary dates from 1981 and the system was completely overhauled in 1996, when the present SRO was set up.

Ireland

Statutory regulation of advertising in Ireland is generally limited to framework legislation, allowing considerable scope for self-regulation. The SRO, set up in 1981, maintains a high profile, characterised by regular strategic reviews and publicity campaigns to maintain consumer awareness of the self-regulatory system.

Italy

Although since 1992 the government has shown a renewed interest in legislative regulation, the Italian self-regulatory system was originally created, in 1966, to fulfill a need resulting from a general lack of advertising-specific legislation. This results in a highly structured, quasi-judicial system.

Luxembourg

Advertising is subject to significant legislative regulation, including unfair competition law. Luxembourg's self-regulatory system was created in 1993 and is closely modelled on the Belgian one. Broadcast advertising on RTL's foreign channels is regulated by the SROs in their countries of destination.

Netherlands

Legislative regulation of advertising is limited to framework legislation and, unusually, there is no statutory regulator with specific responsibility for advertising. The Government has delegated the handling of complaints about television and radio advertising to the SRO. Self-regulation, established in 1964, has considerable responsibility in all media.

Portugal

There is significant legislative regulation and a statutory regulator with exclusive responsibility for advertising. The self-regulatory system, founded in 1991, has recently been extensively restructured, to include an independent complaints adjudication body and to handle complaints from individual consumers, as distinct from class actions. An unusual feature of the system allows the parties in dispute to negotiate an agreement.

Russia

Advertising is subject to legislative regulation, but the Federal Advertising Law recognises the role of self-regulation. The Russian self-regulatory system was established in 1995 and is still in the process of development. The size of the Russian Federation results in the SRO taking the unusual form of a regional network.

Slovak Republic

Legislative regulation results in a number of sectoral bans, including advertising by telephone, fax or computer network. Self-regulation was established in 1995 and the SRO is modelled on the system for non-broadcast advertising in the UK.

Slovenia

There is significant legislative regulation of advertising by the Market Inspectorate, but the role of the SRO is formally recognised by the statutory regulator. Slovenia was one of the first of the new democracies of Central Europe to establish self-regulation, in 1994.

Spain

Advertising is subject to significant statutory regulation. In 1997 the self-regulatory system was completely overhauled and a new SRO and a new code of practice created. Since then, the increasingly active role played by self-regulation has been formally recognised by Government and consumer organisations.

Sweden

A well-developed self-regulatory system was superseded, in the early 1970s, by extensive legislative regulation and the introduction of the Market Court, with most consumer complaints being handled by a public official, the Ombudsman. Efforts begun in the 1980s to re-establish a role for self-regulation have resulted in a system characterised by numerous sectoral SROs and increasing recognition of self-regulation as a necessary complement to legislation.

Switzerland

Advertising in Switzerland is subject to significant legislative regulation, notably the Law against Unfair Competition. Self-regulation has existed since 1966 and the main activity of the SRO is complaints handling.

Turkey

Turkey is unusual in having a statutory regulator with exclusive responsibility for advertising. Framework legislation affecting advertising is inspired by EU Directives. The self-regulatory system dates from the 1980s and since 1995, when the present SRO was set up, has assumed a more active and prominent role in advertising regulation.

UK

Statutory regulation of advertising in the non-broadcast media is generally limited to a legislative framework and an effective and well-publicised self-regulatory system, established in 1962, plays an important and active role. An Admark scheme for Internet advertising [23] was recently introduced. Television and radio advertising is regulated by statutory authorities with their own codes of practice, involving mandatory pre-clearance. By a form of co-regulation, this is carried out by sectoral SROs set up by the broadcasters.

In the UK, the Advertising Standards Authority (ASA) is the independent body that endorses and administers the Code, ensuring that the self-regulatory system works in the public interest. The ASA's activities include investigating and adjudicating on complaints and conducting research. The vast majority of advertisers, promoters and direct marketers comply with the Code. Those that do not may be subject to sanctions. Adverse publicity may result from the rulings published by the ASA weekly on its website. The media, contractors and service providers may withhold their services or deny access to space. Trading privileges (including direct mail discounts) and recognition may be revoked, withdrawn or temporarily withheld. Pre-vetting may be imposed and, in some cases, non-complying parties can be referred to the Office of Fair Trading for action, where appropriate, under the Control of Misleading Advertisements Regulations. ASA decisions are subject to independent review.

The eleventh edition of the British Code of Advertising, Sales Promotion and Direct Marketing came into force on 4 March 2003 replacing all previous editions. Here are some clauses:

1.1 The Code applies to:

a) advertisements in newspapers, magazines, brochures, leaflets, circulars, mailings, e-mails, text transmissions, fax transmissions, catalogues, follow-up literature and other electronic and printed material,
b) posters and other promotional media in public places, including moving images,
c) cinema and video commercials,
d) advertisements in non-broadcast electronic media, including online advertisements in paid-for space (eg banner and pop-up advertisements),
e) viewdata services,
f) marketing databases containing consumers' personal information,
g) sales promotions,
h) advertisement promotions.

1.2 The Code does not apply to:

a) broadcast commercials, which are the responsibility of the Independent Television Commission or the Radio Authority (soon to be incorporated into OFCOM),
b) the contents of premium-rate services, which are the responsibility of the Independent Committee for the Supervision of Standards of Telephone Information Services; marketing communications that refer to these services are covered by the Code,
c) marketing communications in foreign media. Direct marketing that originates outside the UK but is targeted at UK consumers will be subject to the jurisdiction of the relevant authority in the country where it originates so long as that authority operates a suitable cross-border complaint system. If it does not, the ASA will take what action it can. All members of the European Union, and many non-European countries, have self-regulatory organisations that are members of the European Advertising Standards Alliance (EASA). EASA co-ordinates the cross-border complaints system for its members (which include the ASA),
d) health-related claims in marketing communications addressed only to the medical, dental, veterinary and allied professions,
e) classified private advertisements, including those appearing online,
f) statutory, public, police and other official notices/information, as opposed to marketing communications, produced by public authorities and the like,
g) works of art exhibited in public or private,
h) private correspondence, including correspondence between companies and their customers about existing relationships or past purchases,
i) oral communications, including telephone calls,
j) press releases and other public relations material, so long as they do not fall under 1.1 above,
k) editorial content, for example of the media and of books,
l) regular competitions such as crosswords,
m) flyposting (most of which is illegal),

n) packages, wrappers, labels, tickets, timetables and price lists unless they advertise another product, a sales promotion or are visible in a marketing communication,
o) point-of-sale displays, except those covered by the sales promotion rules,
p) election advertisements as defined in clause 12.1,
q) website content, except sales promotions and advertisements in paid-for space,
r) sponsorship; marketing communications that refer to sponsorship are covered by the Code,
s) customer charters and codes of practice.

1.3 These definitions apply to the Code:

a) a product encompasses goods, services, ideas, causes, opportunities, prizes or gifts,
b) a consumer is anyone who is likely to see a given marketing communication, whether in the course of business or not,
c) the United Kingdom rules cover the Isle of Man and the Channel Islands,
d) a claim can be implied or direct, written, spoken or visual,
e) the Code is divided into numbered clauses,
f) a marketing communication includes all forms of communication listed in 1.1,
g) a marketer includes an advertiser, promoter or direct marketer,
h) a supplier is anyone who supplies products that are sold by distance-selling marketing communications (and may also be the marketer),
i) a child is anyone under 16.

1.4 These criteria apply to the Code:

a) the ASA Council's interpretation of the Code is final,
b) conformity with the Code is assessed according to the marketing communication's probable impact when taken as a whole and in context. This will depend on the medium in which the marketing communication appeared, the audience and its likely response, the nature of the product and any additional material distributed to consumers,

c) the Code is indivisible; marketers must conform with all appropriate rules,

d) the Code does not have the force of law and its interpretation will reflect its flexibility. The Code operates alongside the law; the Courts may also make rulings on matters covered by the Code,

e) an indication of the statutory rules governing marketing is given on www.cap.org.uk; professional advice should be taken if there is any doubt about their application,

f) no spoken or written communications with the ASA or CAP should be understood as containing legal advice,

g) the Code is primarily concerned with the content of advertisements, promotions and direct marketing communications and not with terms of business or products themselves. Some rules, however, go beyond the content, for example those that cover the administration of sales promotions, the suitability of promotional items, the delivery of products ordered through an advertisement and the use of personal information in direct marketing. Editorial content is specifically excluded from the remit of the Code (see 1.2k), although it might be a factor in determining the context in which marketing communications are judged (see 1.4b),

h) the rules make due allowance for public sensitivities but will not be used by the ASA to diminish freedom of speech unjustifiably,

i) the ASA does not arbitrate between conflicting ideologies.

Principles:

2.1 All marketing communications should be legal, decent, honest and truthful.

2.2 All marketing communications should be prepared with a sense of responsibility to consumers and to society.

2.3 All marketing communications should respect the principles of fair competition generally accepted in business.

2.4 No marketing communication should bring advertising into disrepute.

2.5 Marketing communications must conform with the Code. Primary responsibility for observing the Code falls on marketers. Others involved in preparing and publishing marketing communications such as agencies, publishers and other service suppliers also accept an obligation to abide by the Code.

2.6 Any unreasonable delay in responding to the ASA's enquiries may be considered a breach of the Code.

2.7 The ASA and CAP will on request treat in confidence any genuinely private or secret material supplied unless the Courts or officials acting within their statutory powers compel its disclosure.

2.8 The Code is applied in the spirit as well as in the letter.

Substantiation

3.1 Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove all claims, whether direct or implied, that are capable of objective substantiation.

Relevant evidence should be sent without delay if requested by the ASA or CAP. The adequacy of evidence will be judged on whether it supports both the detailed claims and the overall impression created by the marketing communication. The full name and geographical business address of marketers should be provided without delay if requested by the ASA or CAP.

3.2 If there is a significant division of informed opinion about any claims made in a marketing communication they should not be portrayed as generally agreed.

3.3 Claims for the content of non-fiction books, tapes, videos and the like that have not been independently substantiated should not exaggerate the value, accuracy, scientific validity or practical usefulness of the product.

3.4 Obvious untruths or exaggerations that are unlikely to mislead and incidental minor errors and unorthodox spellings are all allowed provided they do not affect the accuracy or perception of the marketing communication in any material way.

Legality

4.1 Marketers have primary responsibility for ensuring that their marketing communications are legal. Marketing communications should comply with the law and should not incite anyone to break it.

Decency

(i.e. avoiding serious or widespread offence)

5.1 Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Code will be judged on the context, medium, audience, product and prevailing standards of decency.

5.2 Marketing communications may be distasteful without necessarily conflicting with 5.1 above. Marketers are urged to consider public sensitivities before using potentially offensive material.

5.3 The fact that a particular product is offensive to some people is not sufficient grounds for objecting to a marketing communication for it.

Honesty

6.1 Marketers should not exploit the credulity, lack of knowledge or inexperience of Consumers.

7.1 No marketing communication should mislead, or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.

Matters of Opinion

8.1 Marketers may give a view about any matter, including the qualities or desirability of their products, provided it is clear that they are expressing their own opinion rather than stating a fact. Assertions that go beyond subjective opinions are subject to 3.1 above (also see 12.1 below).

The following list of statutes and regulations affecting advertising and promotions relates to England and Wales and is not exhaustive; a considerable amount of legislation is always in the pipeline and cannot therefore be included. Many of these

> statutes are also applicable to Scotland and Northern Ireland which have their own additional legislation. In some instances EC Regulations and Directives are also relevant. Businesses have primary responsibility for ensuring that everything they do is legal. The law on matters such as contract, negligence, libel and intellectual property should also be observed.

There is always a long list of laws that such codes ask the advertisers to follow, some are general and some are specific to subject of advertisement.

The ASA/CAP system is recognised by the Government, the Office of Fair Trading (OFT) and the Courts as one of the "established means" of consumer protection in non-broadcast marketing communications. Under the Control of Misleading Advertisements Regulations 1988 (as amended), if a misleading marketing communication, or one containing an impermissible comparison, continues to appear after the Council has ruled against it, the ASA can refer the matter to the OFT. The OFT can seek an undertaking that it will be stopped from anyone responsible for commissioning, preparing or disseminating it. If that is not given or is not honoured, the OFT can seek an injunction from the Court to prevent its further appearance. Anyone not complying can be found to be in contempt of court and is liable to be penalised accordingly.

Japan

Nihon Shinbun Kyokai (NSK - the Japan Newspaper Publishers and Editors Association) created a Newspaper Advertising Code of Ethics which was adopted on October 7, 1958,amended on May 19, 1976.

The purpose behind the establishment of the newspaper Advertising Code of Ethics, according to NSK is,

"To defend freedom of speech and expression and to enhance the credibility of advertising, it is desirable for the newspaper industry to impose restraints on advertising on its own initiative through cooperation and agreement with those concerned with advertising, and not through legal restrictions or government intervention."

The entire responsibility for the contents of advertisements lies, in the first place, with the advertiser. In publishing advertisements in their pages, however, newspapers must consider the social impact of newspaper advertising, eliminate improper advertising, defend the interests of readers and must establish principles to maintain and enhance the credibility of newspaper advertising.

The Nihon Shinbun Kyokai has hereby established the Newspaper Advertising Code of Ethics, based on an agreement of member newspapers, and has made clear its attitude by declaring some basic principles covering the publication of advertisements. However, this code does not necessarily bind the judgment of member newspapers in publishing advertisements in their pages nor does it have any legal binding power.

The member newspapers of the Nihon Shinbun Kyokai, recognizing the mission of newspaper advertising in society, must constantly strive to elevate ethical standards and must respond to the trust of readers.

1. Newspaper advertising must tell the truth.
2. Newspaper advertising must not damage the dignity of newspaper pages.
3. Newspaper advertising must not violate laws and regulations related to advertising.

In fact these three NHK directive sum up everything which needs to be done to make advertising socially responsible not only for newspapers but for any media. As Ameen Sayani [24] of *Binaca Geetmala* fame puts it: The basic aim of all official regulation and self-regulation can be expressed in five cardinal qualities which are not too difficult to comprehend and conform to – provided the medium and its exploiters sincerely want to do so, and are efficient enough to do so without wasting their own and other people's time, effort and expense. These are: honesty, decency, safety, fairness and legality.

In brief, as legendary advertiser David Ogilvy (1911-1999) said, "Never write an advertisement which you wouldn't want your own family to read."[25]

Notes and References

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[5] CWMG Volume VI, Publication Division , New Delhi, 1961 p302

[6] CWMG Volume XV, Publication Division , New Delhi, 1965 p464

[7] CWMG Volume XVII, Publication Division , New Delhi, 1965 pp 70-71

[8] CWMG Volume XXIV, Publication Division , New Delhi, 1967 p54

[9] A freedom fighter, intellectual who also served as India's Ambassador to many countries after Independence.

[10] Gandhi the Master, Rajkamal Publishers, New Delhi, 1948 p49

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[22] Its membership produces approximately 75 percent of the total advertising volume placed by agencies nationwide, as per its website as seen on 30 July 2003.

[23] admark is an opt-in scheme that allows member advertisers and publishers to promote their support for legal, decent, honest and truthful advertising by displaying the admark icon on their "paid for" ads.

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Postscript

Six global organizations on 26 July 2004 announced[1] their support for a set of principles designed to foster greater transparency in the dealings between public relations professionals and the media, and to end bribery for media coverage throughout the world. The organizations are the International Press Institute[2], the International Federation of Journalists[3], Transparency International[4], the Global Alliance for Public Relations and Communications Management[5], the Institute for Public Relations Research and Education[6], and the International Public Relations Association[7].

The principles, embodied in the Charter on Media Transparency developed by the International Public Relations Association, are that:

-News material should appear as a result of the news judgement of journalists and editors, and not as a result of any payment in cash or in kind, or any other inducements.

-Material involving payment should be clearly identified as advertising, sponsorship or promotion.

-No journalist or media representative should ever suggest that news coverage will appear for any reason other than its merit.

-When samples or loans of products or services are necessary for a journalist to render an objective opinion, the length of time should be agreed in advance and loaned products should be returned afterward.

-The media should institute written policies regarding the receipt of gifts or discounted products and services, and journalists should be required to sign the policy.

Here are some quotes that came with the announcement:

"In too many countries, bribery of the news media robs citizens of truthful information that they need to make individual and community decision," said Dr. Donald K. Wright, President of the International Public Relations Association in 2004. "We started this campaign with the goal of creating greater transparency and eliminating unethical practices in dealings between news sources and the media."

"The International Press Institute's General Assembly has endorsed these principles because all attempts to corrupt the media compromise the freedom of expression that protects all other rights," said Johann P. Fritz, Director of the International Press Institute.

Peter Eigen, Chairman of the Board of Transparency International, said, "We have long believed in the power of coalitions to combat corruption in all its forms. The media has an important watchdog role to hold to account those in positions of power. To be credible in this role, it is essential that journalists refuse bribes and the corporate sector desists from offering bribes. It is also crucial that editors, publishers and media owners give journalists all the support they need to implement the media transparency principles announced today."

"Courageous reporters risk life and limb every day to defend press freedom and human rights," said Aidan White, General Secretary of the International Federation of Journalists. "We cannot stand by while bribery mocks those sacrifices, anywhere in the world."

"We represent professional public relations associations in 53 countries, and we want to bring that grassroots strength to this coalition for media transparency," said Jean Valin, Chair of the Global Alliance for Public Relations and Communications Management. "This is closely linked to ethics in organizations, which is a cornerstone of effective and credible communication with the public".

"Last year the Institute for Public Relations Research and Education joined with the International Public Relations Association to release a comprehensive index that ranks 66 nations[8] for the likelihood that print journalists will seek or accept cash for news coverage," said Frank Ovaitt, President and CEO-Elect of the Institute. "We continue to believe this is a critical issue that serious journalists and public relations people must address together."

Notes and References

[1] Each one of these organisations issued a press release to that effect.

[2] The International Press Institute is a global organization with members in 115 countries dedicated to the promotion and protection of press freedom and the improvement of the practices of journalism. IPI's membership is made up of editors, media executives and leading journalists working for some of the world's most respected media outlets.

[3] The International Federation of Journalists is the world's largest organization of journalists. The Federation represent around 500,000 members in more than 100 countries and promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists.

[4] Transparency International, founded in Berlin, Germany, is a nonprofit worldwide coalition which is committed exclusively to fighting corruption. It raises public awareness of the damaging impact of corruption on social and economic development, and mobilizes the government, private sector and civil society to work together.

[5] The Global Alliance is composed of over 500 member organizations, representing more than 150,000 individuals, with a mission to unify the profession and provide a framework for collaboration among the public relations profession and its practitioners throughout the world.

[6] The Institute for Public Relations and Education, located at the University of Florida, is dedicated to improving the professional practice of public relations through research, education, measurement and evaluation.

[7] The International Public Relations Association is the premier association for senior international public relations professionals, with over 1000 members worldwide.

[8] Bribery of the media, according to the study, is most likely to occur in China, Saudi Arabia, Vietnam, Bangladesh and Pakistan. By contrast, those countries with the best ratings for avoiding such practices are Finland (first place); Denmark, New Zealand and Switzerland (tied for second place). Germany, Iceland, and the United Kingdom tied for third place, followed by Norway, Austria, Canada, the Netherlands, Sweden, Belgium, and the United States had the fifth best rating. India tied with Kenya for the 25th best.

This is a comprehensive book on the subject. It relates ethical thought from Veda to Gandhi to modern day media. Emphasizing that the current standard is self-regulation, it deals with not only ethics of print journalism and broadcast media but also of the internet, public relations and advertising. It also throws light on the institutional mechanisms such as the press or media councils and Ombudsman.

Professionals, policymakers, students and the users of media will find this volume interesting as well as useful.

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